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[Sri P. Ramamurthi]

I do agree that the Andhra State Bill has to be passed. But, I believe, Sir, that nothing is lost if we have a non-official day to-morrow and take up the discussion of the Andhra Bill day-after-tomorrow. After all, we have come to the financial provisions. One day's discussion or two days' discussion will be enough and we shall certainly finish the Bill by the end of this week and therefore we may continue the non-official business."

* THE HON. SRI C. SUBRAMANIAM :—" I am sorry, Sir, that the hon. Leader of the Opposition is taking this attitude. As soon as the Andhra State Bill is over, we can take up the non-official business, but we should not be interrupted in the middle of the proceedings with regard to the Andhra Bill. We are expected to send it by the 24th instant to Delhi. Even now we are a little bit late. To-day is 22nd. Therefore we should hurry it up and I request the hon. Leader of the Opposition to accommodate us a little more."

SRI P. RAMAMURTHI :—" I would like to ask Mr. C. Subramaniam whether he can allot two days immediately after the Andhra State Bill is over."

* THE HON. SRI C. SUBRAMANIAM :—" Any request made by the hon. Leader of the Opposition will always have a favourable consideration at my hands." (Laughter.)

SRI P. RAMAMURTHI :—" Here a request has already been made. What is the fun of saying 'it will receive favourable consideration' ? "

* THE HON. SRI C. SUBRAMANIAM :—" It is simply because we do not know the nature of the business and whether, as a matter of fact, we will require two days. I will take into consideration all that and in consultation with the Leader of the Opposition I will allot the requisite number of days."

MR. SPEAKER :—" The question is—

' That rule 24 of the Assembly Rules be suspended and the House do resolve to transact Government business and continue the discussion on the Andhra State Bill on Thursday, the 23rd July 1953.' "

The motion was put and carried.

V.—GOVERNMENT BILL.

THE ANDHRA STATE BILL, 1953—cont.

MR. SPEAKER :—" The agreement we reached yesterday was that clause 46 and the Seventh Schedule should be taken up at the end. We shall now take up clause 47."

SRI S. DEIVASIGAMANY :—" On a point of information, Sir. May I know when the discussion on the elementary education scheme will be taken up? "

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* THE HON. SRI C. SUBRAMANIAM :—" It was agreed that soon after the Andhra State Bill the adjournment motion can be taken up and it will be done accordingly."

SRI P. RAMAMURTHI :—" The other day itself I had asked the Leader of the House whether he would allot a day for the discussion on the elementary education scheme. The subject matter of the adjournment motion is entirely different. It does not deal with the new education scheme."

* THE HON. SRI C. SUBRAMANIAM :—" The hon. Member was mentioning about the adjournment motion. With regard to the other request, there will be a complete day for discussion of the new elementary education scheme. I will consider and give my answer later."

SRI T. VISWANATHAM :—" Mr. Speaker, on a point of information, Sir. Before the actual discussion on the elementary education policy takes place or the adjournment motion is discussed, can we have a statement placed on the table of the House describing this new policy? Several questions are raised and nobody knows what it is exactly."

SRI P. RANGASAMY REDDIAR :—" How long is this session likely to last? "

THE HON. SRI C. SUBRAMANIAM :—" It entirely depends upon how quickly hon. Members transact business."

SRI P. RANGASAMY REDDIAR :—" The Hon. Leader of the House is anxious to send the Bill as early as possible to the Parliament. That is why I put the question. If we do not co-operate, are we to understand that the discussion on the Andhra State Bill is likely to last up to the 15th August? "

* THE HON. SRI C. SUBRAMANIAM :—" My estimate has gone completely wrong. I thought that the discussion would be over in four or five days. We are going on leisurely discussing the clauses. Clause 46 and the Seventh Schedule, which have been left over, have to be considered. Therefore, I am not in a position to give a correct estimate of the time."

DR. K. B. MENON :—" The suggestion made by the hon. Member Sri T. Viswanatham has not been answered. Will the Government be pleased to place a report on the table of the House about the new education scheme before it comes up for discussion? "

THE HON. SRI C. RAJAGOPALACHARI :—" Sir, the position is somewhat confusing. There is an adjournment motion. There is also a suggestion that we should have a general debate, so to say, on the subject. If the adjournment motion covers a large amount of ground, there may be no need for another general debate. But if the adjournment motion is not to be pressed, we may have the general debate and then we will have the papers

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which are necessary. We will have to get the papers ready. But I can place all the orders issued by the Department. That will be made available in a kind of White Paper. But some time should be allowed for printing, if a number of copies are required. The whole thing may be left to me and I will keep the hon. Members informed about the scheme if a debate is to come. But if an adjournment motion is to come, it is not possible to do all that."

SRI V. R. NAGARAJAN :—" One of the adjournment motions regarding the elementary education scheme is pending and I have given notice of it. Does the Hon. the Chief Minister assure us one day's debate so that we may not press for the discussion in the meantime? But if the Government cannot give any such assurance and there is a likelihood of their saying that there would be no time, we would like to discuss it even before the discussion of the Andhra State Bill comes to an end."

SRI P. RAMAMURTHI :—" I am sorry, Sir, that the Hon. the Chief Minister tries to confuse this adjournment motion with the general debate. The adjournment motion deals with the specific failure of the Government to consult this House before introducing a fundamental change in the educational system. Therefore that is entirely different from a general debate. In fact, I have been pressing the Leader of the House to give us an opportunity to discuss the entire scheme. Therefore, I would suggest that these two matters should be treated separately."

* THE HON. SRI C. SUBRAMANIAM :—" It is a question of allotting a day for a full discussion on the subject. Even the fact that we did not consult the House or even the Leader of the Opposition may be raised in that discussion. It is not necessary that the question should be raised by way of an adjournment motion in respect of a scheme which has already been introduced and which is in operation. No purpose will be served by discussing it by way of an adjournment motion."

MR. SPEAKER :—" If an opportunity is given for a full dress debate, the Leader of the Opposition and the Leader of the Tamil Nad Toilers' Party need not press it."

* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, 10-10 a.m.
Mr. Ramamurthi put forward the proposition that we should be precise about the scope of the adjournment motion. But in spite of every assurance that he may give, when we take up an adjournment motion of this kind the discussion on it is likely to be desultory and probably relevantly cover a very large amount of ground. If the only issue is why this House was not consulted, I can give the answer in two sentences. But the idea underlying the amendment is to get an opportunity for discussion, technically under the rules. I have no objection to keeping the two matters separate, but I think it cannot be done."

MR. SPEAKER :—" I think the Leader of the Opposition and the Leader of the House can meet, chalk out an agreed programme and give it to me."

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SRI S. SWAYAMPRAKASAM :—“ Sir, we do not have full details about the new elementary education scheme. So I suggest that at least one typed copy of the details may be made available for reference by the Members.”

Clause 47.

* THE HON. SRI C. SUBRAMANIAM :—“ Sir, I move the following amendments :—

‘ 122. *Sub-clause (1) should be amended so as to provide that, if the contract is for purposes unconnected with the Residuary State, but is partly for purposes connected with the Andhra State/Mysore State or both those States and for the purposes of a State other than the States of Andhra, Mysore and Madras, it shall be deemed to have been made in the exercise of the executive power of the Andhra State/Mysore State or of the Andhra State, respectively.*

‘ *An Additional sub-clause should be added to clause 47 of the Bill so as to provide that any sums of money received or payable in pursuance of this clause, by one of the three States of Madras, Andhra and Mysore under contracts not dealt with in sub-clause (3) and relating to more than one of these States, shall be apportioned between the States concerned in such manner as may be agreed upon between the States concerned, or in default of such agreement, as the President may, by order, direct.*’ ”

SRI PILLALAMARRI VENKATESWARLU :—“ The second amendment has not been circulated.”

MR. SPEAKER :—“ It is on that, the hon. Member raised a point of order the other day.”

* THE HON. SRI C. SUBRAMANIAM :—“ It was circulated on 20th July 1953.

“ Clause 47 as it stands provides for inter-State contracts to which the existing Madras Government are a party. Even if a contract is not for purposes relating to the residuary Madras State but is only for purposes of either the Andhra State or the Mysore State or both the States, the Government of the residuary State will come into the picture. For instance, there is the Machkund Scheme in Orissa with which the residuary State will not have anything to do after separation. So, my first amendment provides that the Government of the State or States for whose purposes the contract relates shall be deemed to have entered into the contract.

“ As regards my second amendment, a contract may relate to more than one State, and there is no provision for the apportionment of the rights and liabilities between the States concerned on the basis of the benefit derived by each State from the contract. So I want to insert a clause to provide for the apportionment of all rights and liabilities in respect of such contracts.”

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* SRI T. VISWANATHAM :—“ Sir, there is no doubt that the Government must be enabled to function in the normal manner up to the 1st of October even with regard to matters that might relate solely to the Andhra or Mysore State. I perfectly agree that the provision proposed in the second amendment is absolutely necessary. Even under the general law, contracts entered into by the composite Madras State for purposes solely relating to the Andhra State shall be deemed to be contracts entered into by the Andhra State. However, a specific provision has been inserted in the Bill. I want to take this occasion to point out that this provision should not be taken advantage of for entering into contracts involving large sums of money. I want the Government to proceed with the works for which provision has been made in the budget and which they are carrying on. I want an assurance from this Government that they will not enter into any large-scale contracts, for most of us are outside the confidence of this Government and we do not know what contracts are going to be entered into and for what purposes. The Government surely have got information, but we are at a disadvantage.

“ It does not mean that we are suspicious. But at the same time, it is necessary that we must get an assurance from the Government that they will not enter into large-scale contracts which may, in the opinion of the Andhra Government, not be quite beneficial, but which may be necessary in the opinion of the present Cabinet. Therefore, all that I say is that no large-scale contracts or liabilities shall be undertaken just now in respect of matters which will solely be the concern of the future Andhra State.” 10-20 a.m.

* SRI T. N. VENKATASUBBA REDDI :—“ Sir. I think the intention of the Government is to clarify clause 47 so as to provide that the liability of any contracts undertaken shall be the liability of the State for which these contracts were undertaken.”

THE HON. SRI C. SUBRAMANIAM :—“ It is not with reference to liability alone. Initially it shall be deemed to have been entered into by the States. In regard to the apportionment of the liability, the second amendment is to decide, after separation, which State should bear which liability.”

* SRI T. N. VENKATASUBBA REDDI :—“ Even if the contracts have been entered into by the Madras Government, they shall be deemed to have been entered into by the Andhra State and the Mysore State. But in the amendment this is not clear.”

THE HON. SRI C. SUBRAMANIAM :—“ My amendment reads—

‘ Sub-clause (1) should be amended so as to provide that, if the contract the Andhra State, Mysore State or of the Andhra State, respectively.’ ”

* SRI T. N. VENKATASUBBA REDDI :—“ Sir, it is not about the State. But it is to be deemed that the contracts have

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been entered into by the States. I have in mind the Machkund Project, and I do not know whether it will be correct to say here, 'to whichever State it relates' instead of merely saying Andhra State."

* THE HON. SRI C. SUBRAMANIAM :—" Suppose it is a case of Mysore State alone. Neither the Andhra nor the Residuary State comes into the picture. In that case, it will go to Mysore. If we leave out clause 47 as it stands, we will find that except in cases where they are exclusively Andhra or exclusively Mysore, the Madras State will be deemed to have entered into that contract. This amendment is for the purpose of pointing out that where the Residuary State has nothing to do with the contract, the Andhra State and the Mysore State must deal with it. (After a pause.) I have not entered into the drafting portion of this clause. I am only suggesting an amendment to amend this clause. I am sure the draftsman in the Government of India will put it in the proper place and in the proper order.

" Sir, Mr. Viswanatham wanted an assurance from the Government that no large-scale commitments should be made in respect of contracts which solely related to Andhra, pending separation. I can assure the hon. Member that not only large-scale contracts but even small-scale contracts, if they are not urgent and essential, are postponed. It is the policy of this Government, unless it is absolutely essential for the purpose of carrying on any work which is in progress, not to enter into any liability which will be the liability of the Andhra State. So also in respect of the Residuary State, we try to postpone things as far as possible. I can very easily give this assurance to Mr. Viswanatham."

MR. SPEAKER :—" I shall now put the Government amendments to the vote of the House. The question is—

' 122. Sub-clause (1) should be amended so as to provide that, if the contract is for purposes unconnected with the Residuary State, but is partly for purposes connected with the Andhra State/ Mysore State or both those States and for the purposes of a State other than the States of Andhra, Mysore and Madras, it shall be deemed to have been made in the exercise of the executive power of the Andhra State/Mysore State or of the Andhra State, respectively.

' An Additional sub-clause should be added to clause 47 of the Bill so as to provide that any sums of money received or payable in pursuance of this clause, by one of the three States of Madras, Andhra and Mysore under contracts not dealt with in sub-clause (3) and relating to more than one of these States, shall be apportioned between the States concerned in such manner as may be agreed upon between the States concerned, or in default of such agreement, as the President may, by order, direct.' "

The amendments were put and carried.

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Clause 48.

* THE HON. SRI C. SUBRAMANIAM :—“ Sir, I move both the amendments standing in my name, namely—

‘ 125. *This clause should be amended so as to provide that, where the cause of action did not arise within the territory of the Residuary State, but arose partly within the Andhra State/Mysore State or partly within both those States and partly within a State other than the States of Andhra, Mysore and Madras, the liability shall be that of the Andhra State/Mysore State, or of the Andhra State, respectively.*

‘ 125-A. *This clause as amplified with reference to the amendment already tabled by the Government may be numbered as sub-clause (1) and the following inserted as sub-clause (2) :—*

“ (2) *This section shall have effect subject to the provisions relating to apportionment of liabilities contained in the Seventh Schedule.*” ’ ’ ’

SRI T. NAGI REDDI :—“ The amendment standing in my name relates to clause 46. It does not come under clause 48.”

MR. SPEAKER :—“ Then it will be taken up later.”

* SRI T. VISWANATHAM :—“ Sir, I oppose this clause and also the amendment. Contractual liability is totally different from other actionable wrong. The actionable wrongs may be the result of remissness of the present Government. Surely this Government cannot ask the future Andhra Government to take over the liability for the torts of this Government. If the wrong act is due to the own remissness, they should themselves bear the liability unless they are able to show that the future Andhra Government will have something to do with the joint liability. There can be no such thing as the division of liability in this matter. It is on account of the acts of commission and omission of the Madras Government the actionable wrong has arisen. Therefore this Government must bear the consequences of the actionable wrong of this Government. The Andhra Government would not be parties to the acts of commission and omission of this Government. The matter relating to contracts is quite different. The wrongs committed and other damages incurred by this Government should not be made the liability of the Andhra Government. I do not contemplate that others should be made liable for the actionable wrongs of this Government.”

* THE HON. SRI C. SUBRAMANIAM :—“ Sir, even after the 1st October, there may be suits pending in Andhra. Suppose there is a suit pending in the Andhra area against the Government for damages. It will not be possible to contend that they are not answerable to the wrongs done by the previous Government? Whatever has been done, the future Andhra Government have a responsibility to take it over. An argument like the one advanced will not be accepted in a court of law. If any Government becomes liable, by means of a judgment of a court of law,

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for some damages, then the matter has to be examined and the liability fixed as between the two Governments. It is only for that purpose, this amendment is put here. Certain actions have been taken and certain actionable wrongs have become suable or have already been sued upon. In this case, it should be possible to scrutinize and find out the liability as between the two States. If Mr. Viswanatham should object to-day, I am afraid he is objecting to a good principle which will be helpful to the Andhra State also to a large extent. I would submit to him that there is nothing wrong in providing for this. After all, there may be certain suits pending. I do not know their number. But in the interests of both the States such a provision is necessary. It will not be possible to say 'I am not liable for the acts done previous to 1st October. That is why this provision is made here.'

10-30
a.m.

SRI T. VISWANATHAM :—“ It may apply to the liabilities already passed. Certainly we will bear them. But what about the other actionable wrongs? ”

* THE HON. SRI C. SUBRAMANIAM :—“ All the liabilities will not be effaced on the 1st of October in respect of pending suits and actionable wrongs. The hon. Member cannot go to a court and say that the State has been divided and that, therefore, the suit should be dismissed.”

* THE HON. SRI C. RAJAGOPALACHARI :—“ The proposition about contracts refers only to cases where there was an agreement and there was a breach thereof. Supposing some land has been trespassed on and supposing there is no acquisition of land or some land has been injured by some work, all these things would come under this clause. Suppose somebody fell down from a ladder because the ladder was not good. In that case, of course, the Government of Andhra would write to this Government that they should not pay the damages but that this Government should pay them. That would be reasonable. But the question of a statutory provision as to who should be primarily responsible in the matter is decided by this. The merits may be gone into by the two Governments.”

SRI T. VISWANATHAM :—“ The term ‘actionable wrong’ has a definite connotation so far as I have not forgotten my law, and it does not refer to the kind of thing which the Hon. the Chief Minister refers to.”

* THE HON. SRI C. RAJAGOPALACHARI :—“ Let me be instructed by the younger lawyer. Supposing there is trespass on land and occupation of land by works, it would be an actionable wrong.”

SRI T. VISWANATHAM :—“ It is criminal trespass under the Criminal Procedure Code. Actionable wrong is different.”

* THE HON. SRI C. SUBRAMANIAM :—“ In spite of his saying that he remembers what actionable wrongs are, I am afraid he

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wants to forget all wrongs and, therefore, he has forgotten actionable wrongs also. That apart, it is not going to injure the interests of the Andhra State. It is a necessary provision because there are some suits pending in the Andhra territory as well as here. Liability in respect of them as to which State will be primarily responsible has to be fixed by a statutory provision. With regard to the apportionment of liability, it should not be said simply because it is in the Andhra territory, that the Andhra State alone should be liable. That is why I have made the suggestion that it should be further subject to adjustments between the two States. In respect of a pending suit or actionable wrong, if the hon. Member Sri Viswanatham says that after 1st of October, nobody would be liable for it, it will be a wrong attitude. As the Hon. the Chief Minister pointed out, in respect of a certain liability, it may be that the Madras Government are primarily liable to pay the entire sum, or it may have to be shared between the three different States. For that also, I am making a provision in the amendment. So, the hon. Member should not object to this. He seems to smell something when there is nothing."

MR. SPEAKER :—" The question is—

' 125. This clause should be amended so as to provide that, where the cause of action did not arise within the territory of the Residuary State, but arose partly within the Andhra State/Mysore State or partly within both those States and partly within a State other than the State of Andhra, Mysore and Madras, the liability shall be that of the Andhra State/Mysore State, or of the Andhra State, respectively.

' 125-A. This clause as amplified with reference to the amendment already tabled by the Government may be numbered as sub-clause (1) and the following inserted as sub-clause (2) :—

" (2) This section shall have effect subject to the provisions relating to apportionment of liabilities contained in the Seventh Schedule."

The amendments were then put and carried.

MR. SPEAKER :—" Shall we now take up clause 49? "

SRI T. NAGI REDDI :—" Sir, clause 46 has not yet been passed . . . "

MR. SPEAKER :—" We came to an agreement that we would take it up at the end."

SRI T. NAGI REDDI :—" Sir, this clause has some connexion with clause 46 and the Seventh Schedule also. So, we may take this up later."

THE HON. SRI C. SUBRAMANIAM :—" I have no objection, Sir."

MR. SPEAKER :—" Then, we shall now take up clause 50."

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Clause 50.

* SRI T. VISWANATHAM :—“ Sir, I move the following amendment which stands in my name :—

‘ 133. *This House recommends that provision be made in clause 50, that Laws or provisions in Laws relating to financial commitments or common financing or banking institutions of all classes passed by the Madras Legislature on and after 14th July 1953 or the rules thereunder shall not be applicable to the territories to be included in the Andhra State, until they are ratified or adapted by a meeting of the Andhra State Legislature after the State is formed.* ’

“ Sir, it is necessary that an adaptation order should be made. We have got clause 50 for extending the application of laws to the Andhra territory also. I have no objection so far as the laws which have been passed so far are concerned. But we began these partition proceedings and the legislation here on the 14th of this month. It may be that the Government would like to introduce certain laws which will involve the new State also along with the Residuary State in financial commitments. I submit that any law which involves the future Government in financial commitments or which relate to common financing or banking institutions like the Land Mortgage Bank should not be made applicable to the Andhra State area until it is ratified by the Andhra State Legislature. We don't say that the law itself should not be discussed here. Sitting here as Members of a common State Legislature, we shall try to see that the law is just and proper. Even if we take part in the passing of such laws, still I want that an exception should be made, so far as the Andhra territories are concerned, that their territorial application shall be confined only to the Residuary State until such laws are ratified by the future Andhra State Legislature. I say so because it may be that laws involving financing institutions like the Central Land Mortgage Bank are passed. We do not know what laws the Government have in their mind. They have not yet introduced all the Bills. Therefore, I deem it necessary that an exception should be made in that matter.”

SRI C. V. K. RAO :—“ Sir, I second the amendment of the hon. Member Sri Viswanatham. It is quite justified because, as far as voting is concerned on certain matters concerning Andhra, the Residuary State Members are remaining neutral. As the hon. Member Sri Viswanatham says, we do not know what type of Bills are going to be introduced in the next few days. It may be that they have an adverse effect on the new Andhra State. As such, either the Government should at present stop introducing any kind of legislation applying to the Madras State as a whole or the new Andhra State should not be bound by these legislations. There is every justification for the Andhra Members to accept this amendment.”

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* SRI K. KRISHNA RAO :—“ With regard to this amendment, I want a further clarification from the hon. Member Sri Viswanatham. The point is whether this Legislative Assembly can transact business for the whole of the State after we pass this Bill. After we pass this Bill, whatever we do will have to be confined to the Residuary State in which case the Andhra Members can get away. In fact, the Andhra Legislative Assembly can function straightway after we pass this Bill. I want the matter to be a bit cleared, because to-morrow we are going to pass the Entertainments Tax Bill. If we pass that Bill, will it apply to the Residuary State only and not to Andhra?

“ There may be some other Bills like this. There is the Bill relating to extension of time for collecting sales tax. With regard to these Bills, what will be the position so far as the Andhra State is concerned in the period between 14th July 1953 and 1st October 1953? Am I to understand that the Andhra State should be deprived of these sources of income? It is not clear how it will work. Therefore, I would like hon. Member Sri Viswanatham to clarify the position and also tell us as to what will be the status of the Andhra Members of this Assembly after we pass this Andhra State Bill.” 10-40 a.m.

MR. SPEAKER :—“ We do not pass this Bill. We are only giving our views. That is all.”

* SRI T. VISWANATHAM :—“ There is some confusion. I do not say that we should not pass any legislation. I do not say that legislation dealing with finance as such should not be passed. I would ask my friend Mr. Krishna Rao and the Members of the House to carefully see the wording of my amendment. I have used the phrase, ‘ financial commitment ’. For instance, newspapers have published a report that the Government are going to introduce a Bill to the effect that while the Residuary State Bank will have the right to collect the loans advanced by it, the guarantee should be divided between the Andhra and the Residuary States. Why should the Andhra State bear the liability of the guarantee while the Residuary State have the right to collect the loans? These newspaper reports may be wrong or may be right. Certainly if the law allows a particular thing to be done, it can be done. What I say is this. If by chance for any administrative reasons it is considered necessary that we should ask the Andhra State to bear certain financial commitments, I submit that such laws as involve the future Andhra State in these commitments shall not come into operation until they are ratified by the future Andhra Assembly. My amendment does not refer to any other matter. I am also mindful as other hon. Members that legislation must proceed until September 30th. We would like to discuss all other Bills. I would even ask the Government to introduce as many Bills as they like. All those Bills, except those which involve the future Andhra Government in financial commitments shall be binding on the Andhra State. The Bills relating to entertainment tax and sales tax are entirely different. They relate to regular administrative and financial matters on the receipt side; it does not

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amount to a commitment. They have all got money in them and there is no commitment in them. But in the case of the Central Land Mortgage Bank, the position is different. While the Residuary State will have the right to collect loans, the Andhra State is asked to bear the liability. I had in my mind only such instances where the future State is likely to be committed to a particular financial liability. I believe that with regard to this Bank, certain negotiations are going on between the Directors of the Bank, the Government and the Registrar of Co-operative Societies and that they have not been able to come to an agreement so far. It is only to safeguard against such measures I have moved my amendment. Government need not stop all legislations now. We will not cease to be Members of this Assembly till 30th September. Till then, we will take part in all the discussions in the House."

* THE HON. SRI C. RAJAGOPALACHARI :—" Sir, I am not replying, but am only participating in the debate. I submit Mr. Viswanatham has taken up a very wrong attitude in this matter. Government have to go on; legislation has to go on, until 1st of October. Matters have to be discussed, debated and conclusions arrived at in the House if and when necessary. The Government will not undertake controversial matters which would wrongly commit the new State unnecessarily. If, however, any measure is necessary and if the new State has necessarily to be committed to a particular thing, it will be done with the co-operation of the Members belonging to the Andhra area. That is the way in which things have to be done generally. I am glad, hon. Member Sri Krishna Rao has taken up a very correct attitude in this case, as he has done on a previous occasion. I wanted as a matter of fact my Colleague Mr. Subramaniam to say exactly what Mr. Krishna Rao has said. He has made the position clear. We have clearly to understand the whole position. What does Mr. Viswanatham want? When we make laws, he says that we should have at the same time a parliamentary Bill to state that retrospectively those laws shall not be binding on the new State. That is the proposal which he is really making now. He wants that all laws previously passed even with the consent of the Legislature Members belonging to the Andhra area must be repudiated. That will be an extraordinarily wrong position for anybody to take. Mr. Viswanatham's anxiety may be quite genuine, but he should meet the situation in a different way and not by a statutory provision. At the time when such Bills or provisions as he refers to, come up for discussion in the House, he may point out that they are unreasonable measures and the House will certainly reject those proposals. But, a statutory provision laying down that certain measures shall not be binding or shall not apply to the new State should not be made. When any such Bills are introduced in this House, it is open to Mr. Viswanatham to point out that those measures should not be binding on the new State as they will involve the new State to certain financial commitments, and that those measures must apply only to the residuary State which should bear the financial commitment and so on. The Government will certainly take all these things into account. Even if and when unreasonable measures are

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brought forward, there are other means of rectifying the errors. But, we cannot so to say ask the Government to cease to function on the 14th July on the parallel of Mithakshara Law according to which as soon as a person gives a notice that he wishes to cease to be a member of a joint family, it will take effect from the date of notice. Mr. Viswanatham's amendment very much corresponds to that, viz., that 'on and from 14th July, we shall cease to function'. It would be neither right nor at all necessary to take such an attitude."

* SRI T. VISWANATHAM :—" I am glad the Hon. Chief Minister closely followed what Mr. Krishna Rao said, and has also commended him, but I am sorry he did not exactly follow what I said. I said only what the Chief Minister said. I never said that we shall cease to function. We shall continue to be legislators, we shall take part in the discussion in the Legislature in respect of the various Bills that may be brought forward here until 30th September. Till that time, we are prepared to sit here every day and pass legislative measures. The Hon. Chief Minister says that this is not the proper time to raise such matters and if any such legislation was introduced at a future date in the House, I must raise these objections. When we are considering the Andhra State Bill, this is the first occasion when we came to know that certain measures which are likely to involve the Andhra State in financial commitments are contemplated. That being the case, it is our duty to point out such newspaper reports which are not contradicted by the Government and express our opinion. It is in this context I wish to submit that it is absolutely necessary for me to bring this fact to the notice of this House. I know the Chief Minister will certainly be reasonable and will agree with me when I say that when such measures are introduced, we must have certain safeguards. There will be no difficulty in restricting territorial operation of certain Acts. There will be absolutely no legal difficulty also in doing this. It is said that this is a small point and can be raised when any such Bill is introduced here. By all means, I will raise this point on a subsequent occasion also. It is said that if my amendment was accepted, retrospective effect will have to be given by a Parliament Act and so there will be difficulty and all that. I am surprised at the horror expressed against retrospective effect, because, after the Congress assumed office, there were nothing but measures giving retrospective effect."

* THE HON. SRI C. RAJAGOPALACHARI :—" I am sorry, hon. Member Sri Viswanatham has not really understood the position. It is not possible or good to provide a Government or Legislature with a law and powers to make a law and at the same time to ask the Parliament to say that those laws passed previously will not apply, and will be infructuous. It is not the way to deal with the subject. There are certain matters which relate to the Andhra State only and certain matters which relate to the prospective Residuary State of Madras. There are also certain matters which relate to both the States. If in view of the urgency any such matter comes up before the House and the House passes a Bill or

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a resolution on the matter after considering the merits, it should not be made infructuous. That is why I say that the amendment of Mr. Viswanatham is not correct."

10-50
a.m.

* THE HON. SRI C. SUBRAMANIAM :—“ Sir, Imaginary fears are more dangerous than real fears. That is proved by the arguments advanced by Mr. Viswanatham. Because of these imaginary fears, he even thinks that after 1st October 1953, when there will be a new Andhra State with its own Government, the residuary State will have jurisdiction over that area. He was saying that he read somewhere in some newspaper—I do not know which newspaper it is—that a Bill is going to be introduced authorizing this Government, that is the residuary Government, to collect their dues from the Andhra area after the formation of the new State. Sir, certainly after separation, this Government cannot operate as a Government as such in that area. It will cease to have any territorial jurisdiction over that place as a Government. It may be that as any other individual, the Government may have to go to the Court, sue and get a decree in certain matters. That is a different thing. If Mr. Viswanatham has got any fears that we would operate as Government there, it is quite unthinkable and it is not possible also.

“ Mr. Viswanatham has evidently in mind the division of the banking institutions, the Co-operative Land Mortgage Bank, the State Co-operative Bank and other institutions; they are going to be divided. Now they are operating under a special law, under the Co-operative Societies Act, and are covering the entire State. How they are to be divided is under the consideration of the Government, and it is possible to divide them and make them function as two separate institutions in the two states. We have given certain guarantees to these institutions. For example, the Co-operative Land Mortgage Bank has raised debentures to the tune of several crores of rupees and these debentures have been guaranteed by the present Madras Government. When the Andhra State is formed and the Land Mortgage Bank is also separated, the State Bank that will be formed there will be collecting dues in respect of loans due to the bank from that area with respect to the debentures raised. The Government as such have nothing to do with the collection of dues. It is the banks that have lent money and they have to realise the loans. In the case of failure on the part of banks to realise the dues and as a result unable to pay the debenture-holders, then only the guarantees of the Government come into operation. Therefore, the Government as such have nothing to do with the division of co-operative institutions. In respect of guarantees, of course the Government have to do something and certainly this is not the clause that should deal with it. We have passed over clause 49. If Mr. Viswanatham would go through the amendment suggested by Government in respect of clause 49, he will find that it deals with guarantees which the State Government have given in respect of the liabilities of the State as a whole. We have passed over these amendments so that it may be taken up later on because it concerns the division of assets and liabilities. I may tell

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Mr. Viswanatham that the present clause has nothing to do with guarantees. Then, Sir, suppose we pass a law which will be operating up to 30th September 1953. After that date, whether it is a law for the benefit of the Andhra State or to its detriment according to Mr. Viswanatham, it should not be operative till such time as the new Andhra State Legislature meets and enacts a new law. Do you want such a thing to happen? It is always open to the Andhra Legislative Assembly after the 1st October to change the laws in whatever manner they like. Certainly till such time, there must be some law operating in that area. If you say until the State Legislature ratifies the existing laws, there should be no law in respect of that area, it will be to the disadvantage of the Andhra area itself. Suppose we pass a law in respect of the co-operative institutions. If that Act cannot be effective until the new Legislature ratifies it, how will the new institutions function? Therefore, we consider that some law should be there and if the Andhra Government feel that it requires some changes, it is always open to that Legislature to make them when they meet. So, Sir, this amendment is not at all acceptable.

“For the last two days, Sir, I am finding that Mr. T. Viswanatham wants some sort of a vacuum to be created. Yesterday, he was pleading for a vacuum. To-day he pleads for another vacuum. I respectfully submit it is not quite good and the clause as it stands is all right. The residuary State will have no jurisdiction whatsoever over the new State.”

SRI T. VISWANATHAM :—“I do not want to reply to the vacuum business. I am not at all an ignorant man.”

THE HON. SRI C. SUBRAMANIAM :—“Imaginary fears have clouded your vision.”

* SRI T. VISWANATHAM :—“He is not adding to his credit by saying so. The explanation given by the Leader of the House makes my fears real. They are not imaginary. The Government have some plans. Let them disclose them. In a way, I am not prepared to discuss the matter now because, this could be taken up along with clause 49 which we have passed over. It has really something to do with this amendment, as the Leader of the House said.”

* THE HON. SRI C. SUBRAMANIAM :—“Clause 50 has nothing to do with your amendment. Clause 49 relates to guarantees given by the State Government in respect of the entire State. Clause 50 is about the territorial extension of laws which are applicable now to the entire State.”

* SRI T. VISWANATHAM :—“I am sorry he has not understood me at all. (The Hon. Sri C. Subramaniam : ‘How can I understand you!’) You will understand me if you are reasonable. Originally, I based my opinion on certain newspaper reports. Now my fears are justified after hearing the Hon. the Finance Minister who says that the Government are considering the introduction of some Bill. We must have full knowledge of the Bill

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which they want to introduce with regard to the continuance of certain laws. My head is full of things and is never a vacuum. The mistake is somewhere else."

SRI C. V. K. RAO :—" Sir, the Hon. Mr. Subramaniam has said that if something is passed here and if it is considered detrimental to the Andhra State, steps may be taken by them to rectify it. By this statement, he is strengthening our suspicions. What I really want is no legislation which will have a bad effect on the coming Andhra State should be taken up, when our minds are full with the Andhra Bill now. That is what we want. Just in the morning we had a discussion on snap votes and all that. Now, this Government will no doubt be interested only in the residuary State. There is no denying the fact. I shall be glad to be convinced that they are also interested in the future Andhra State. It has come to our notice that they have issued a number of circulars to the district authorities that only after the formation of Andhra State important matters should be taken up.

11
a.m.

" Sir, it appears to some of us that they will go ahead with matters which are convenient to them and will not do so, if they are inconvenient. After all there are only two months more. Within this period, we do not know what piece of legislation is going to be brought in here. The hon. Mr. Viswanatham must have some information and that is why he is opposing this move. Now, if the piece of legislation is controversial, then it will find objection from our side. Let the Government use their discretion beforehand and not bring in such legislation, but bring in only legislation which is of general application, instead of telling us that if there is anything wrong and if we find that it will not be in the interests of the Andhra State then it can be nullified. That will not be possible. Let the Government use their discretion. Our minds are engaged at the moment with the Andhra Bill. I think with that object only Mr. Viwanatham has brought this amendment. I am also supporting it only with that thing in mind."

* **SRI K. KRISHNA RAO :—**" Sir, though this amendment is given with the best of intentions, it is liable for misinterpretation and put to wrong use. Soon after the announcement of the formation of the Andhra State, many works have been stopped. The argument put forth by the Hon. Chief Minister is that 'I do not wish to load the forthcoming Andhra State with any financial commitments. Therefore, I have stopped all works.' A number of electrical works in Krishna and West Godavari districts have been stopped. I should like the Government to be very careful with regard to these cases. The very same reply is being given even to this day. Even with regard to wells, it has been said that only after the establishment of the Andhra State fresh allotments would come in and then only you can have wells. I should like to see whether we are exercising economies at the expense of the legitimate expenditure for good purposes that have to be undertaken

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in the Andhra State. Therefore, let us see that if really co-operative banks ought to have some kind of special provisions, by which they will not be adversely affecting borrowers in Andhra, let them be specific, instead of allowing the provision to be abused."

* SRI PILLALAMARRI VENKATESWARLU :—" Sir, the position was made clear in a way by the Hon. the Chief Minister. But after the explanation of the Hon. Sri Subramaniam, the position is a bit confused. When such pieces of legislation come up, we can consider whether they can be made applicable . . ."

MR. SPEAKER :—" Notices of new bills have already been received and they will be circulated to hon. Members. I think this is the last joint sitting. We may sit till the 27th. I do not think there is another sitting. The Bills will come up before the House by then."

SRI PILLALAMARRI VENKATESWARLU :—" Sir, as for the information given by the Hon. Finance Minister, it seems the Government have certain proposals on the issue of land mortgage banks. It will be all the more dangerous to have legislative measures . . ."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, I have already stated that with regard to these guarantees, we have put them in clause 49. Let us not be imagining all sorts of things. It is not as if by any law passed by this legislature we can create any guarantee against the Andhra Government as such. If it is to be the Andhra Government's guarantee, either the Andhra Government should agree to it or in the partition Bill it should be provided for. Therefore, by no stretch of imagination it can be assumed that any Bill we pass will affect the Andhra State. It should be made in the parliament as part of the Partition Bill. So, let hon. Members have no imaginary fears that we are going to bring in legislation to throw a liability on the Andhra State."

* SRI PILLALAMARRI VENKATESWARLU :—" Sir, these are the recommendations going before the Parliament. There is no use in simply referring to imaginary fears. Let us clear what the piece of legislation will be and in regard to that Mr. Viswanatham has raised a point particularly regarding land mortgage banks and to justify these fears, the Hon. Mr. Subramaniam has made his explanation. It has been made clear to us that the Government are contemplating, perhaps an executive order, to effect a change in the Land Mortgage Act and that is why fears are being expressed. I do not say that we should not pass any Bill applicable to the Andhra State. But I do not understand why the Hon. Finance Minister cannot give a definite assurance on the point raised by Mr. Viswanatham. If some such assurance is given, we can appreciate the position."

MR. SPEAKER :—" I will put the amendment to the vote of the House."

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SRI T. VISWANATHAM :—" I know the result, Sir. That is why we wanted a guarantee."

THE HON SRI C. SUBRAMANIAM :—" Sir, I really am unable to understand what sort of guarantee the hon. Viswanatham wants."

SRI T. VISWANATHAM :—" I have already stated my position . . ."

* THE HON. SRI C. SUBRAMANIAM :—" I want to know what exactly is the assurance that is wanted from the Government. The hon. Member cannot ask me to give an assurance on a vague matter about which he himself is not definite. If it is any particular matter in regard to which assurance is sought, I am prepared to consider it. But anyway, we do not want to do any action which will in any way injure the Andhra State."

MR. SPEAKER :—" The hon. Member Mr. Viswanatham is pressing his amendment. I have already allowed enough discussion."

SRI T. VISWANATHAM :—" Sir, I am pressing the amendment. But, what I want is, only if it involves any new financial commitments, we do not like that this House should pass any Bill by a majority. The Hon. Finance Minister himself says something about guarantees and liabilities in regard to co-operative societies. We want exactly what it is he is going to do. If he is able to give an assurance on behalf of the Government that any such legislation will not involve any fresh commitment to the Andhra State, I will agree. Or else, let the amendment be put to the vote of the House and let me be defeated."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, there is nothing more to add. As far as guarantees are concerned, we have made specific proposals in the amendment to clause 49. When that comes, and if there is anything wrong in the proposals, I am prepared to consider any alternative suggestion. When we come to clause 49, if any guarantee or assurance is required from this Government we will consider it then and if Mr. Viswanatham wants any alternative arrangement, we will consider."

11-10
a.m.

MR. SPEAKER :—" The question is—

' 133. This House recommends that provision be made in clause 50, that Laws or provisions in Laws relating to financial commitments or common financing or banking institutions of all classes passed by the Madras Legislature on and after 14th July 1953 or the rules thereunder shall not be applicable to the territories to be included in the Andhra State, until they are ratified or adapted by a meeting of the Andhra State Legislature after the State is formed.' "

The amendment was put and lost.

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Clause 51.

* SRI K. KRISHNA RAO :—" Mr. Speaker, I move—

' 134 (i) For the existing clause, substitute the following :—

" For the purpose of facilitating the application in relation to the State of Andhra, Madras or Mysore of any law made before the appointed day, the appropriate Government may before the 1st day of April 1954, place before the Legislatures of the States concerned respectively adaptations and modifications of the law, whether by way of repeal or amendment, as may be deemed necessary, and upon the enactment by the Legislatures of the States concerned on the basis of such proposals placed by the respective Governments, with the necessary modifications as may be deemed necessary by the Legislatures concerned, such law shall have effect, subject to the adaptations and modifications so made until altered, repealed, or amended by the Legislatures of the States concerned on any future date."

' (ii) The explanation under the clause is to stand as it is.'

Sir, my idea is that according to the clause as it is, there is power given to the Government to enact laws and I want that power should be exercised only by the Legislature of the Andhra. My amendment seeks only to see that the Government do not make laws and that the Andhra Legislature should make the laws on the basis of the proposals put in by the Government."

SRI G. BAPANAYYA :—" I second the amendment moved by my hon. Friend Sri K. Krishna Rao."

* THE HON. SRI C. SUBRAMANIAM :—" This is only a provisional power given to the Government for adaptation of laws soon after 1st of October. For example, certain enactments applying to the whole of the Madras State will have to be adapted to apply to the whole of the Andhra State. Such adaptations are contemplated in this clause and not new laws or new principles. The adaptation of laws is a well known thing and it was done after the partition of Pakistan and India also. It is not as if we want to make new laws or completely change the existing laws. Because of the partition, certain laws will become inconsistent and they have to be adapted. There is the Supreme Court decision regarding the scope of adaptation also and the hon. Member Sri K. Krishna Rao need not have any apprehension that under this guise we will be making new laws or taking away the existing laws. The powers of Government are restricted, and under the guise of adaptation Government cannot enact new laws."

SRI K. KRISHNA RAO :—" Sir, the wording of the clause is not so simple. It reads : ' . . . make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, . . . ' "

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* THE HON. SRI C. SUBRAMANIAM :—“ The hon. Member should have read the clause from the beginning, ‘ For the purpose of facilitating the application in relation to the State of Andhra, Madras or Mysore of any law made before the appointed day, We cannot make any modification without reference to the purpose and that is only for the purpose of facilitating the application of laws. The hon. Member may say that he does not want this clause. It is only for the purpose of facilitating the application of existing laws.’ ”

SRI K. KRISHNA RAO :—“ Sir, I am not pressing my amendment.”

The amendment was, by leave, withdrawn.

Clause 52.

SRI P. RAMAMURTHI :—“ Mr. Speaker, I move—

‘ *This House recommends to the Parliament of India that clause 52 of the Andhra State Bill, 1953, be deleted.*’

I only wanted that the Government should suffer instead of enabling the courts to adapt the law.”

SRI M. HANUMANTHA RAO :—“ I second the amendment moved by my hon. Friend Sri P. Ramamurthi.”

* THE HON. SRI C. SUBRAMANIAM :—“ There are hundreds of statutes and by some mistake one or two may be missed. Such statutes must be adapted and by this clause the courts are given the power to adapt them.”

SRI P. RAMAMURTHI :—“ I am not pressing my amendment, Sir.”

The amendment was, by leave, withdrawn.

Clause 53.

SRI VAVILALA GOPALAKRISHNAIAH :—“ Mr. Speaker, I move—

‘ 136. Add after the words “ specify the authority, officer or person,” the following “ but not an official post ”.’ ”

S K. RAMIAH CHOUDARY :—“ I second the amendment.”

SRI K. KRISHNA RAO :—“ Mr. Speaker, I move—

‘ 137 (i) Omit the words “ as may be mentioned in that notification and such law shall have effect accordingly.”’

‘ (ii) Insert the following provisos :—

“ Provided that it shall not be competent for the Governor to vest in any authority, officer or person who in normal conditions was not vested with such functions or such authority, and was not, in the usual course of Government, discharging such functions prior to the appointed day ;

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Provided further that such notification shall not have the effect of amending, repealing, or modifying the operation of any law which was in force in the regions covered by the State of Andhra previous to the appointed day."

SRI M. HANUMANTHA RAO :—" Sir, I second the amendment."

SRI VAVILALA GOPALAKRISHNAIAH :—" I only want to add 'but not an official post' after the words 'The Governor . . . may specify the authority, officer or person . . .' I need not say anything more, Sir."

* SRI K. KRISHNA RAO :—" The clause as it is gives scope for a doubt. The clause reads : 'The Governor as respects the State of Andhra and the Rajpramukh as respects the transferred territory may, by notification in the Official Gazette, specify the authority, officer or person who as from the appointed day shall be competent to exercise such functions exercisable under *any law* in force . . .' My point is that the officers who were previously exercising such functions, viz., a Collector exercising his functions, a Magistrate exercising his functions, etc., those officers only must be allowed to exercise the functions. For example, a Judge should not be invested with the powers of a Collector, to take an extreme case, the District Superintendent of Police should not be invested with the powers of a Magistrate or the District Collector should not be invested with the functions of the District Board. I want the clause to be clear. My amendment therefore says that such officers as were discharging their normal functions prior to the appointed day, should continue to exercise those functions. It should not be that what was done previously by one officer could be done by another officer. Another point is that it should not have the effect of the law, because in the clause it is said 'such law'. Is he to promulgate orders or is it law that he has to promulgate? That is rather doubtful by the use of the word 'law' in the last sentence of the clause. I therefore request that my amendment may be accepted."

* THE HON. SRI C. SUBRAMANIAM :—" In the existing laws, the authority to exercise certain functions is also mentioned. It is not known whether such offices will be continued in the new Andhra State because certain offices may be merged in other offices. For example, under the Public Health Act, the Director of Public Health is given the power to take action. But in the Andhra State, instead of a Director of Public Health, a common officer, viz., Director of Public Health and Medical Services known as Director of Medical Services may exercise the functions. For this purpose, the Governor in respect of the Andhra State and the Rajpramukh in respect of the Mysore State may specify the authority, officer or person who can exercise the functions. In order to remove the difficulty which might arise by combining two offices or by abolishing certain posts, the power to specify the authority, officer or person who can exercise the functions, is given to the Governor in respect

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of Andhra and to the Rajpramukh in respect of Mysore. The amendment of Sri K. Krishna Rao, if accepted, will nullify all powers. I therefore submit that this amendment cannot be accepted."

11-20
a.m.

SRI VAVILALA GOPALAKRISHNAIAH :—" I expect the Hon. Finance Minister would say something on my amendment, Sir, by way of clarification. Then I may perhaps withdraw."

THE HON. SRI C. SUBRAMANIAM :—" I have nothing to say on his amendment except to say that it has no meaning." (Laughter.)

SRI VAVILALA GOPALAKRISHNAIAH :—" In view of the Hon. Finance Minister not being able to understand my amendment, I am not pressing my amendment, Sir." (Laughter.)

The amendment was, by leave, withdrawn.

MR. SPEAKER :—" Is the hon. Member Sri Krishna Rao pressing his amendment."

SRI K. KRISHNA RAO :—" No, Sir."

The amendment of Sri K. Krishna Rao was, by leave, withdrawn.

MR. SPEAKER :—" There are no amendments or resolutions to clauses 54 and 55. I shall now pass on to clause 56."

Clause 56.

SRI T. NAGI REDDI :—" Mr. Speaker, Sir, some of us have not studied clauses 54 and 55 which deal with legal provisions. I would request you, Sir, to give us a few minutes when we will acquaint ourselves with the relevant matters. Some of us are anxious to speak a few words in respect of clause 55. Of course I do admit there are no amendments. But nevertheless I would request you to give us some time, say, five minutes."

* THE HON. SRI C. SUBRAMANIAM :—" Sir, in fact this Bill had been circulated to hon. Members a fortnight ago. If even by this time they had not studied the relevant clauses, we can't be wasting the precious time of the House. Already we have dragged on the discussion. I would therefore request you, Sir, to go on to the next clause leaving 54 and 55 as there are no amendments to them."

SRI PILLALAMARRI VENKATESWARLU :—" Always the Hon. Finance Minister is in a hurry, Sir."

SRI T. VISWANATHAM :—" Sir, already yesterday we had disposed of a clause dealing with the High Court for Andhra and matters connected therewith. I do not know why this separate clause has come up."

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SRI K. VINAYAKAM :—“ On a point of order, Sir. The other day when I wanted to move an amendment on a particular clause, I was not allowed to do so, because I had not given notice of the same previously. Now I find both Mr. Nagi Reddi, Venkateswarlu and others are practically given some time to *study* the clauses *now*, and move amendments later on (I suppose so). How can such a distinction be shown? In fact Mr. Nagi Reddi and Mr. Venkateswarlu were so vociferous on that day when I just began to move an amendment.”

MR. SPEAKER :—“ How can I answer a hypothetical question? I do not know whether Mr. Nagi Reddi or others will move any amendment *now*.”

SRI T. NAGI REDDI :—“ Let me tell Mr. Vinayakam that we did not object to his moving any amendment. In fact we objected to it because he wanted to move an amendment at the time the voting was to take place. Because the voting was just to commence, we objected to that strongly. That is the reason and nothing more than that, Sir.

“ As a matter of fact we are not moving any amendments to the present clause 54. We want the Government only to clarify certain points in clause 55, for instance, why they want to provide for additional parties in legal proceedings, etc.”

* THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, clause 55 deals only with a technical matter. There is nothing substantial in this clause. I never thought that the Opposition would take any time of this House on a simple technical clause as this one. In fact the Law Ministry of the Government of India wanted to insert this technical provision only to simplify the procedure. This technical provision had been inserted only to minimise litigation on the question of partition itself. There is nothing more than that.”

THE HON. SRI C. SUBRAMANIAM :—“ Let me explain still further by giving an illustration, Sir. For instance take Bellary. Seven taluks of Bellary had been added on to Mysore and three to Andhra. The jurisdiction of the Courts in Bellary district, as it is now, may override this division. So in cases where suits are pending in the Courts in the transferred area but wherein the cause of action lies in the Andhra area, it is provided by this clause that the case shall be transferred to a Court which has got jurisdiction over the area wherein the cause of action to the suit had taken place and it had also been provided that the Chief Justice shall decide the exact Court to decide the suit.”

* SRI T. VISWANATHAM :—“ I am sorry, Sir, the matter is not so simple as the Hon. Leader of the House thinks. It is not a simple matter concerning jurisdiction of Courts alone. I am sorry, Sir, that at the time of giving notice of amendments to the various clause, this particular clause has escaped my notice. I am

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sorry for the remissness. This is the first time I hear in the history of civil jurisprudence, a court of law being empowered to bring in additional words or alter words in the provisions of law.

11-30
a.m.

“ In such matters of jurisdiction, the litigant public must be given perfect liberty to get a decision of the court and the opinion of the Chief Justice of the High Court at Madras as an individual should not be allowed to prevail.”

THE HON. SRI C. SUBRAMANIAM :—“ I would like to point out that the words used are ‘ the decision of the Chief Justice ’ and not ‘ the *opinion* of the Chief Justice ’.”

* SRI T. VISWANATHAM :—“ If there is a doubt, the litigant will file a petition and the High Court will hear and decide as to where the jurisdiction lies. Administratively also, the Government amendment would not be fair. The Chief Justice may be doing it in pursuance of accepted decisions or he may be going a little out of the way but the parties must have the right of audience, must be heard in the presence of each other, and in the open Court. I wonder why for the first time a principle like this is being introduced. Therefore, on principles of jurisprudence, I object to the provision. The Courts have got the right to decide and will be the forum to decide. I submit, Sir, it is wrong to give the power to a single individual.”

* THE HON. SRI C. RAJAGOPALACHARI :—“ I am rather sorry that such a progressive minded member as Sri T. Viswanatham is pleading for the very old practice of continuous and unending litigation upon preliminary matters. What the Law Ministry in Delhi has tried to do here is to draft a provision by which procedure may be simplified and not complicated as a result of the partition. Here is a partition of the whole State and a number of partitions will follow that partition. Litigation will have to be partitioned. If that partition of litigation is to become itself a litigation it will be an unending series of waste of time and money for the subjects that have to be governed by the two Governments. The Law Ministry has tried to simplify matters in accordance with the modern principle that litigation should be reduced to the minimum.”

MR. SPEAKER :—“ We shall pass on to clause 56.”

Clause 56.

SRI K. VARADACHARI :—“ I move the following amendments :—

‘ 138. This House resolves that in sub-clause (1) for the words “ for a period of two years ”, the words “ for a period of not less than ten years ” shall be substituted.

‘ 139. For the words “ two years ”, the words “ five years ” shall be substituted.’ ”

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SRI VAVILALA GOPALAKRISHNAIAH :—“ I am moving my two amendments, Sir :—

‘ 141. (i) For the words “ two years ”, substitute the words “ at least five years ”.

‘ (ii) For the words “ the Jails and other institutions specified in Part I and Part II respectively of the Eighth Schedule . . . State of Andhra ” substitute the words “ the institutions specified in Part II of the Eighth Schedule ”, and

‘ 142. In sub-clause (1) for the words “ two years ”, substitute “ twenty-five years ”.

‘ Delete the words “ the jails and ” and renumber Part II as Part I and insert the paragraph 16 of the Annexure I of the Report of the Partition Committee for Formation of Andhra Province, 1950, as Part II.’ ”

MR. SPEAKER :—“ With regard to amendment No. 143, the hon. Member Sri G. Yallamanda Reddi is not in his place. So we shall pass on to the next amendment.”

SRI E. L. RAGHAVA MUDALIAR :—“ I am not moving my amendment.”

* SRI K. VARADACHARI :—“ Sir, in moving these amendments to clause 56, my only wish is to enhance the period during which the jails in the Madras State shall be available for the use of the prisoners of the Andhra State. The Bill provides for only ‘ two years.’ It will not be possible for the new State to construct all the jails necessary to accommodate all prisoners and detenues within two years from the date on which the new State comes into being. Therefore I strongly plead that the Madras Government may consent to a period of either ten years or five years, which I have moved in my amendments. The minimum period of five years at least may be consented to. In this connection I also wish to make it clear that in the Andhra State we are not going to have prisons on the lines of the horrid types we find at present in the Madras State. We shall be having jails provided with all modern amenities to the convicts and therefore it will take some time and it will also involve huge expenditure for designing and constructing such beautiful jails in the new Andhra State. (Laughter.) Therefore, I submit that the Government may generously accept my amendment providing for a period of ten years or at least five years.”

* SRI VAVILALA GOPALAKRISHNAIAH :—“ Mr. Speaker, Sir, I am speaking on Schedules VIII and IX. When the previous Partition Committee met in 1950, they made the following recommendations :—

‘ Special arrangements in respect of certain institutions in Madras City :—

(1) The provisions of this paragraph shall be in force for 25 years commencing on the appointed day and shall have effect with respect to such Government hospitals and educational institutions in Madras City as before the appointed day served the areas included in both the Provinces.

[Sri Vavilala Gopalakrishnaiah] [22nd July 1953]

(2) There shall be reserved for the Andhra Province either—

(a) the specific number of places reserved for residents in the Andhra Province immediately before the appointed day ; or

(b) if a specific number of places was not so reserved, a number of places as near as may be equal to the average number of places filled by residents in the Andhra Province during the three years immediately preceding the appointed day.

(3) The charge for admittance to the aforesaid institutions shall be the same for persons from both the Provinces. Provided that the excess of the recurring expenditure in any year over the receipts during that year in respect of each such institution shall be divided between the two Provinces in proportion to the number of persons admitted from each Province.

(4) If for any five consecutive years after the appointed day, the Andhra Province fails to fill any of the places so reserved the right of that Province to that place shall lapse.

So, it is clear that the Committee recommended a period of 25 years in respect of the institutions in the Madras City. There are two things. One is about the jails and the second about the other institutions. My submission with regard to the jails is we won't like to be the guests of the Madras State for a long time. We will be having our own jails. When the Madras Government sent their prisoners to Amraoti Jail or some other jail in another Province, nobody knew about the health of the prisoners. If the Government were asked about it, they would simply say 'We do not know'. There are enough jails in the Andhra Province. There is a jail in Visakhapatnam. There is another jail in Rajahmundry and as Mr. Justice Wanchoo has suggested, the Visakhapatnam jail can be utilised to accommodate the women prisoners also. So there is no need for sending our prisoners to the jails in other Provinces. I know the practical difficulties. I have been a prisoner in a number of jails in two Provinces and I had been a victim of those difficulties. I am speaking all this not only from the administrative point of view but also from the prisoner's point of view. So I would like to omit the reference to 'jails' in that clause. As Mr. Justice Wanchoo has suggested, there may be a Borstal School in Visakhapatnam or Nellore. In Nellore there is a jail and it can be converted into a district jail. In 1949-50 there was a jail at Masulipatnam and it can also be used. So far about the jails. As regards the medical institutions and Colleges, many Colleges were constructed out of joint assets.

11-40
a.m.

"The Government have not at all introduced any Bill to amend the Andhra University Act."

* THE HON. SRI C. SUBRAMANIAM :—"The clause under discussion relates to jails and I do not know why he is bringing in the University."

SRI VAVILALA GOPALAKRISHNAIAH :—"The Eighth and Ninth Schedules include not only jails but also other institutions like the Government College of Indigenous Medicine, Madras. From this the Hon. Finance Minister will understand the relevancy of my reference to the Andhra University Act. I am dealing not only with jails but also with other institutions. I want that the institutions in the Madras and Mysore States should be made available to the Government of Andhra for a period of twenty-five

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years as recommended in paragraph 16 of Annexure I of the Report of the Partition Committee for formation of Andhra Province, 1950."

SRI T. NAGI REDDI :—" Sir, I am surprised that the very first clause in the Part relating to Administrative and Miscellaneous Provisions should relate to jails. It shows the type of State in which we are existing, and it looks as though administration begins with jails."

THE HON. SRI C. RAJAGOPALACHARI :—" It is the original clause of the Government of India."

* SRI T. NAGI REDDI :—" I do not know whether the Government of India's opinion reflects the opinion of this State Government also. The Government are very anxious to take up jails first and the rest of the administrative matters later."

" We are very much surprised at the Government's anxiety to keep the jails in the residuary State and Mysore State open for the people of the Andhra State. I wish that the same anxiety is displayed in other respects also. Many of us have had the experience of living in jails far away from our homeland. I have lived in Tiruchirappalli, Vellore and Cuddalore jails."

THE HON. SRI C. SUBRAMANIAM :—" If the hon. Member is opposing the amendment, we are prepared to support him."

SRI T. NAGI REDDI :—" The point here is that it is not generally good for one State to send its prisoners to another State, and there will arise quite a number of complications. The question of educational institutions, hospitals, etc., is entirely different."

THE HON. SRI C. RAJAGOPALACHARI :—" Jails also can be used as educational institutions."

SRI T. NAGI REDDI :—" I quite realise that jails also can be used as educational institutions. I have seen Rajaji using the jail as an educational institution when he was in the Tiruchirappalli Jail."

" I am glad that the Government have separated jails from public utility services like educational institutions and hospitals. Both Congressmen and Communists had been in jail and we had seen the anxiety of prisoners in jails far away from their homeland to be in jails nearer their homeland so that their relatives may be able to meet them often. From the administrative point of view also, I think the amendments should not be accepted. Their acceptance will only lead to further complications later on between the States, and we should not give scope for the development of such a situation because we want a friendly and brotherly neighbouring State."

* SRI P. RAMAMURTHI :—" Sir, I request Sri Vavilala Gopalakrishnaiah to consider one hundred times before he presses his amendment. His amendment makes provision for keeping Andhra prisoners in the jails of the residuary Madras State for a period of twenty-five years. Two years itself is sufficiently bad."

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I do not want to make any disparaging remark about the future Government. But we do not know what the future jail laws are going to be in the Madras State or in the Andhra State. It is quite possible that the Andhra Government may pass some laws about the treatment of Andhra prisoners and ask the Madras jail officials to administer them in respect of Andhras in the Madras State. This is not practicable. Many of us have had experience of living in jails far away from our homeland. In 1940-41 prisoners from various provinces were sent to Deoli and we know what a tremendous amount of justifiable agitation there was. Even to-day we are agitating for the transfer of the prisoners in the Salem Jail to jails nearer their respective homeland."

THE HON. SRI C. SUBRAMANIAM :—"The Leader of the Opposition is trying to convince the already-convinced people."

SRI P. RAMAMURTHI :—"I am convincing Sri Vavilala Gopalakrishnaiah. We do want to have a bond of unity between the Andhra people and the Tamil people. But let us not have this criminal link for forging that bond of unity; there are lots of other ways by which we can cement the unity between the two peoples. Therefore I request Sri Vavilala Gopalakrishnaiah not to press his amendment."

The amendments standing in the name of Sri Vavilala Gopalakrishnaiah, Nos. 141 and 142, were, by leave, withdrawn.

The amendments standing in the name of Sri K. Varadachari, Nos. 138 and 139, were put and lost.

Clause 57.

The following amendments were moved by the Members in whose names they were standing and duly seconded :—

SRI T. PRAKASAM :—

145. "This House recommends that provision be made to delete from clause 57 the words 'such facilities . . . by order of the President' and for insertion of the following :—

- ' (1) All the facilities enjoyed by the people and the Government of Andhra as existed before the appointed day, for a period of 25 years commencing from the appointed day.
- (2) There shall be reserved for Andhra either
 - (a) The specific number of places reserved for residents in Andhra immediately before the appointed day; or
 - if a specific number of places was not so reserved, a number of places as near as may be equal to the average number of places filled by residents in Andhra during the three years preceding the appointed day.
- (3) The charges to be made for admittance to the places aforesaid shall be calculated on a cost basis only, but no account being otherwise taken of Capital Expenditure before the appointed day;

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Provided that the charges made for admittance or service by the said institutions shall in no case exceed that made in respect of other persons resident outside Madras.' "

SRI K. VARADACHARI—

146. " *This House resolves that in clause 57, after the words ' for such period ', the words and figures ' not being less than 10 years ' shall be substituted.* "

SRI M. R. APPA RAO—

148. " *In clause 57, line 5, for the words ' such facilities . . . President ', substitute the words ' the same facilities as were existing before the appointed day for ten years and on the same terms and conditions as were existing before the appointed day. ' "*

SRI T. VISWANATHAM :—" Sir, I think that Schedule 9 will have to be taken up along with this clause." 11-50
a.m.

THE HON. SRI C. SUBRAMANIAM :—" It is not necessary to take that up along with this clause. This clause relates to the period during which the facilities should be made available."

* SRI K. VARADACHARI :—" Sir, this clause makes a generous gesture in regard to facilities to be given to the Andhra State in respect of certain institutions which are described in the Ninth Schedule, Parts I and II. I am only saying that the period fixed in this clause is too insufficient and, therefore, I have asked for a period of 10 years. Among the institutions we find that there are institutions relating to educational matters and research subjects. The period fixed is too short for the purpose of carrying out the gesture contained in this clause. We must at least have a period of 10 years, if we really want to give effect to the intention behind this clause."

SRI M. R. APPA RAO :—" In the Ninth Schedule, the list provides only for 16 common institutions, while there are nearly 62 common institutions in the State. The next point is that the provision of the two year period is, to say the least, very short. I think that at least 10 years or 15 years should be provided. In the present state of the Andhra State finances, it will not be possible to build all these institutions within 15 years."

SRI T. PRAKASAM :—" I do not want to speak on my amendment, Sir."

SRI R. SIDDANA GOWD :—" Sir, I have given notice of certain amendments, and the amendments are as follows."

MR. SPEAKER :—" When the Ninth Schedule is taken up for discussion, the hon. Member can move his amendments."

SRI T. VISWANATHAM :—" Sir, this is a very important clause, in my opinion, for the reason that the City of Madras has been excluded from the territories of the new Andhra State."

[Sri T. Viswanatham]

[22nd July 1953]

It is a real difficulty, and that has been appreciated by the Government, by the previous Partition Committee, and by Mr. Justice Wanchoo. Similar situations arose when Orissa was formed into a new State and when Sind was formed into a separate State. In paragraph 16 of the Second Schedule to the Government of India (Constitution of Sind) Order, 1936, it has been provided as follows :—

‘ 16. (1) The provisions of this paragraph shall, for the twenty-five years commencing on the appointed day, have effect with respect to Government hospitals and educational institutions in Bombay (including any therapeutic institutes borstal institutions and reformatory schools) which before the appointed day, served Sind as well as the rest of Bombay.’

Sir, you will be pleased to see that though there are borstal institutions, reformatory schools also were included in the case of Sind and also in the case of Orissa. The reservation made is as follows :—

‘ (2) There shall be reserved for Sind either—

(a) the specific number of places reserved for residents in Sind immediately before the appointed day ; or

(b) if a specific number of places was not so reserved, a number of places as near as may be equal to the average number of places filled by residents in Sind during the three years immediately preceding the appointed day.’

Provision for charges has also been made. That is—

‘ (3) The charge to be made for a admittance to the places aforesaid shall be calculated on a cost basis, account being taken of the pensions which will ultimately be payable to and in respect of the staff and of debt outstanding on, or incurred after, the appointed day, but no account being otherwise taken of capital expenditure incurred before the appointed day.’

This is the provision made for 25 years in the order relating to the formation of Sind.

“ In paragraph 12, Part I, of the Third Schedule to the Government of India (Constitution of Orissa) Order, 1936, it is stated—

‘ 12. (1) The provisions of this paragraph shall, for the twenty-five years commencing on the appointed day, have effect with respect to Government hospitals and educational institutions in Bihar (including any therapeutic institute or reformatory school) which before the appointed day served both Bihar and Orissa.

(2) There shall be reserved for Orissa either—

(a) the specific number of places reserved for residents in Orissa immediately before the appointed day ; or

(b) if a specific number of places was not so reserved, a number of places as near as may be equal to the average number of places filled by residents in Orissa during the three years immediately preceding the appointed day.’

“ The Partition Committee took these things into consideration,

“ Mr. Justice Wanchoo in paragraph 20 of his report says—

‘ 20. . . . When this matter was considered by the Partition Committee presided over by Shri P. S. Kumaraswamy Raja in 1950, the following provision was made at paragraph 16 of Annexure (1) of that committee's report :—

‘ (1) The provisions of this paragraph shall be in force for twenty-five years commencing on the appointed day and shall have effect with respect to such Government hospitals and educational institutions in Madras City as before the appointed day served the areas included in both the provinces.

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(2) There shall be reserved for the Andhra Province either—

(a) the specific number of places reserved for residents in the Andhra Province immediately before the appointed day or

(b) if a specific number of places was not so reserved, a number of places as near as may be equal to the average number of places filled by residents in the Andhra Province during the three years immediately preceding the appointed day.

“(4) If for any five consecutive years after the appointed day the Andhra Province fails to fill any of the places so reserved the right of that Province to that place shall lapse.”

The Government of India, at the time of the creation of Sind and Orissa Provinces, felt that it was necessary to make provision for twenty-five years. The Partition Committee appointed here also felt that that was necessary. Mr. Justice Wanchoo also thought that some such a provision was necessary. I need not, therefore, specially advocate the importance of, and necessity for, such a provision. As I submitted, Sir, the question arises much more pertinently with reference to the creation of the Andhra Province than with reference to Sind and Orissa. Because, here we have been running a common administration for a much longer time than the other Provinces were running in Patna and Bombay. Buildings and institutions have been built to serve the common needs of both, and very few people expected that all on a sudden the Andhras would be asked to go out without having any benefit out of these common institutions.

“Sir, if you consider all these things in relation not merely to general institutions but specialised institutions, and if you consider also the specific fact that there is shortage of buildings for Governmental purposes and it will be very difficult and very costly to rebuild those buildings in the Andhra territory, you will appreciate that a provision like this is absolutely necessary.

12
noon.

“So far as buildings other than buildings for educational institutions are concerned, it may be that the Andhra State will be able to construct its own buildings as the counterparts of the present common institutions and buildings in the City of Madras and elsewhere in the residuary State. But in regard to educational institutions, particularly Engineering and Medical institutions, the necessity is very great. So, I submit the Government of 1949-50 felt that the 25-year period was reasonable. That is why Sri Prakasam has mentioned the period of 25 years. At the time of partition, we should try to be as generous as possible to each other.”

THE HON. SRI C. SUBRAMANIAM :—“I am glad to hear it from the hon. Member.”

* SRI T. VISWANATHAM :—“You will always be glad when you hear me. We should always be generous to each other and particularly those who are in charge of larger finances and larger territory have got a greater amount of generosity to show. If, therefore, now and then we ask for something, it should not be

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understood as a proof of acrimony or debate. We are parting after a long period of association and at the time when we should part the major partners might even err on the side of liberality. There is nothing wrong in doing a good thing. I say it is a matter of right for us. But, at the same time, because the Prime Minister of India, rightly or wrongly, came to the conclusion that there were overriding political considerations why the Andhras should go out of the City of Madras—although it is a Telugu-speaking area just as it is a Tamil-speaking area—we agreed to it. We have not created a furore about it. We have said that we abide by his order and construct the buildings for our Capital in due course of time. You know, the Government know, and the majority of Members here know that it will not be possible for the Andhra State to build the counterparts of these common institutions for a very very long time indeed. Our greater concern will be with regard to food production schemes by which alone we can save this State and also other States. (Interruption.) We want to produce more food and give more food not only to the Andhra State but also to the deficit areas in Bellary, Mysore, Travancore, Malabar, etc., wherever there is deficit. In a period of two or three years the Andhra State may produce rice that is enough to feed all the stomachs, south of the Vindhyas. Only the opportunity must be given. We shall never allow it to be said of us that we won't be generous in the matter of supplies of food. It shall never be said that the Andhras deny food to others. That is what we have and we give. Similarly, the others must give what they have. Now they have common institutions built out of common funds and serving a common purpose for more than 150 years. Therefore, in the amendment I have increased the number of institutions which are now serving a common purpose. Of course, the 25-year period may be a general rule, but it may not be necessary for us in respect of some of them. Some institutions here are Government institutions and for want of accommodation elsewhere we may have to continue them for some time. But no Government will like to run its offices in the territory of another State for long. Therefore, provision is necessary only with respect to some of the institutions mentioned in my amendment. But with regard to specialized institutions some of which have not been mentioned in this Schedule and which I have added, which are absolutely necessary and which we cannot build immediately the Andhra State is formed, we want this provision, as I said, for some time. The clause itself is very vague. It is much better to make a provision like the one made in the Sind and Orissa Orders and as recommended by the Partition Committee of 1950 and by Mr. Justice Wanchoo. I, therefore, submit that the Government should fix a period for this purpose. Some friends have suggested ten years. I have suggested twenty-five years and I have followed only better company in suggesting it. Therefore, the Government must show a gesture at this time. Otherwise, the position will be very difficult for us. Partition is not intended to create difficulties for the Andhra State and dissatisfaction in the minds of the Andhras, but is intended to strengthen the Andhras. The strengthening of the Andhras will also strengthen the whole of South India."

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* SRI V. R. NAGARAJAN :—" Mr. Speaker, Sir, I rise to oppose the amendment that has been moved, for this reason. We are now discussing clause 57 which provides for the continuance of facilities in certain State institutions. Looking up the list in Parts I and II of the Ninth Schedule, I find that all the institutions mentioned therein will be necessary for the Tamilians themselves after partition, that is, from 1st October 1953. It is out of generosity, magnificent generosity, if we may call it, that the Central Government have made a provision like this, so that both the States may, after 1st October 1953, come to an understanding as to the period of years for which this concession will have to be given to the Andhra friends. I would respectfully submit that we cannot be giving such facilities for eternity. If the Andhras are going to urge for the fixation of a period of 25 years, I think they will be trying to give the City of Madras by the one hand and take it away by the other. Therefore, under no circumstances, can we, the Tamilians, part with the facilities which are urgently required for our students. Year after year so many applicants coming from the various districts of Tamil Nad go without seats in most of the institutions. That is a matter on which we cannot dilate, and the difficulties which are experienced are known only to ourselves. Members of the Assembly sitting on this side know the difficulties. People are not able to get seats in the Medical College or the Engineering College. Therefore, the provision that has been made here can be stuck to, namely, the time given for the two Governments to come to an understanding will be fixed as the 1st January 1954. If it will not be possible for the two Governments to come to an understanding by that date, and if the House thinks it will be an insufficient time, I have no objection to this time being extended. But in no case shall we agree to enlarge the time given for the enjoyment of the facilities available here by the Andhra friends. I do not utter my sentiments out of jealousy but I am prompted by a desire to safeguard the interests of friends in Tamil Nad."

* SRI K. V. RAMESAM :—" Mr. Speaker, Sir, it is not a question of generosity but a question of necessity for the new State. It is admitted that there are no facilities for the new State to start with. Therefore it is that there is absolute need for reservation of seats in the various institutions of the State. Further, it has been brought to the notice of the House that the list of schools and institutions, which finds a place in the Ninth Schedule, is not exhaustive, and there are very many institutions the names of which have got to be incorporated in this Part so as to enable the students of Andhra to have recourse to these institutions.

" In this connexion, I wish to state that according to clause 4, 12-10 as amended, a Boundary Commission has been recommended. If P m. the Parliament agrees to appoint this Boundary Commission and if they recommend that Bellary has to be included in Andhra, any decision that we take now here should be without prejudice to that recommendation of the Boundary Commission.

" Coming to the subject under discussion, I wish to state that all these institutions have been built up with the joint efforts and

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finances of the composite State. Therefore there is no question of generosity. In respect of these institutions, sufficient compensation has not been given. Therefore, as a matter of right, the Andhras have got a claim over these institutions. They have a right to demand that a certain number of seats has to be reserved in these institutions for the Andhras. It is admitted that the new State is backward industrially, economically and educationally. Unless adequate provision is made in the Bill to enable the Andhras to have instruction in the various institutions in the residuary State as well as in the transferred territory, it may not be possible for the new State to make any progress in the near future. When Orissa and Sind States were formed, similar facilities were provided in educational and other institutions. So there are precedents. The amendment recommending that Andhras should be given facilities in the educational and other institutions in the residuary State and transferred territories for a period of 25 years, is a very reasonable and modest one and I commend it to the acceptance of the House."

* SRI R. SIDDANNA GOWD :—"Mr. Speaker, I am sorry for the ungenerous remarks made by hon. Member Sri Nagarajan. We, the Members of the proposed Andhra State, do not want any sympathy from him. We also do not want any generosity to be extended to us. I wish to remind the Members of the House that the several institutions located in the composite State of Madras were built by the common funds and efforts of the Andhra as well as the Tamilian, Kannada and Malayalee people. Let my learned friend kindly remember this aspect. It is well-known that the Andhra State which is to be born on the 1st of October will be an infant State. It is also equally well-known that the residuary State is not sending us with very good finances and that we are asked to go with a big deficit. Under these circumstances, the Andhra State cannot be expected to build up its institutions for some years to come. It is therefore necessary that we should be given some facilities in the educational institutions of the Madras State, such as the Engineering College, Medical Colleges, Law College and other institutions like the Serum Institute, King Institute, etc. Even Mr. Justice Wanchoo has suggested in his report at page 11 that these facilities should be provided to the new Andhra State for a period of 25 years, in the institutions mentioned in the Ninth Schedule to the Andhra State Bill. Some hon. Members have suggested that these facilities should be given for 25 years and some have suggested 20 years and so on. I consider that a period of 15 years would be enough. I am sorry my learned friend has opposed this modest request of the Andhra people. (Mr. Deputy Speaker occupied the Chair.) I am sure that he will not be followed by other friends from Tamilnad. Now the Rayalaseema area has also been included in the Andhra State. At present, all the institutions in Rayalaseema are affiliated to the Madras University. After the inauguration of the Andhra State, these institutions may be affiliated to the Andhra University. There should be a special provision in respect of the students coming from the Rayalaseema. They should be given all facilities in the educational

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institutions in Madras like the Presidency College, which are manned and maintained by the Madras Government. It is also necessary that these students should be given special preference in professional colleges, like the Engineering College, Medical Colleges, etc. In view of the critical financial position of the Andhra State, it will be very difficult for them to build up these institutions. It will take about 10 to 15 years for them to have their own institutions. It would be most uncharitable on the part of my friends coming from the residuary Madras State to oppose this modest resolution. I appeal to their generous instincts and request them not to oppose this resolution, so that the students from Andhra, especially those coming from the Rayalaseema may be given facilities in the institutions in the residuary State for a period of 15 years. Thank you, Sir."

* SRI P. RAMAMURTHI :—" Sir, I would like, in the first place, to make an earnest appeal to friends on both sides not to import any passion into this very simple question. The question is one of according educational facilities for the future generations of our country. It is an admitted fact that opportunity must be provided for all people in this country—I am not speaking about any particular State—for education, technical education, etc. It is absolutely essential that the country as a whole must progress. The Andhra people have now come into their own and they are having their own Province. We have seen the justness of their demand and have conceded it. But just because they are having their own Province, let us not say, 'all right, you have your own State; it is now your task to develop your own educational institutions; if you cannot develop it in a minimum period, it is your own fault and we cannot help it.' That cannot be our attitude. Here in the composite State, certain institutions have developed and they are located in certain places. And it happens that many of these institutions which have been built by the utilisation of composite revenues, will remain here as soon as the Andhra State is formed. It is a fact that there are students in these institutions from the Andhra parts and so certain facilities are actually available to them to-day. But to-morrow, on the 1st October, when the linguistic separation takes place, what would happen to those who would normally be admitted to these institutions if there were no partition? During the interim period, when the Andhra State has not yet developed its institutions—certainly we want them to develop and I dare say that the Andhra people and the Andhra Government will develop their institutions—we should not treat this question of facilities from the point of view of Tamils versus Andhras. Certain facilities are now available. If these are stopped suddenly, what will happen to the general development of the Andhra people as part of the entire country and as part of the entire Indian people? Sir, there need be no acrimony on this issue. We will certainly agree that certain facilities will have to be given to them for some time. These are matters which have been specifically left to be decided by an agreement between the two Governments, and if no agreement is reached between the two Governments, the President will

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decide the matter. I understand that even the Partition Committee composed of representatives from all parts of the State—Mr. M. Bhaktavatsalam, Mr. T. T. Krishnamachari, Mr. P. S. Kumaraswami Raja and some Andhra Congressmen and also, I believe, Mr. Madhava Menon—itself recommended that for a period of 25 years some facilities should be provided. Subsequently somebody else made some other recommendations. Having regard to all these facts I feel some facilities must be given but not for 25 years, because the Andhra State, I am sure, will develop all its institutions much earlier than 25 years. I do not think that this is a very difficult proposition for us to agree to a period of ten years as provided in the amendment of Mr. K. Varadachari. I would like that amendment to be accepted and I commend it."

* SRI K. VINAYAKAM :—“ Mr. Deputy Speaker, Sir, with great respect to the sentiments expressed to-day by Mr. Goud and Mr. Ramamurthi, I have to oppose this amendment in the strongest language that I can command. I would not like to be misconstrued that I am anti-Andhra in outlook. The pity is that I love my country as much as Andhras love theirs. And so if I try to safeguard the interests of my area, that is the residuary Madras State, I should not be misunderstood by my Andhra friends. In the matter of continuance of educational facilities in certain institutions, it is provided that the two Governments concerned must come to an agreement on the first day of January 1954. I believe, Sir, that the Government of the residuary State will try to safeguard the interests of their people and so also the Andhra Government will try to safeguard their interests. Under these circumstances, I do not think that any reasonable agreement would be reached by them. The Andhra Government will plead for a longer number of years while the residuary State will plead for a lesser number of years with the result the President at his sweet will will decide the matter. Being a resident of the residuary State of Madras, I would plead that to-day this Assembly must decide for how many years these facilities are going to be given to the Andhras. To quote their own commonplace phrase, they say : ‘Avvakavala, buvvakavala’. They want a State of their own and at the same time they want facilities from our State. Mr. Goud was expressing sentiments that the Madras City was constructed by the common efforts of Tamils, Andhras, Malayalees and Kannadigas. I would like to bring to the notice of the House that the Andhras are not going away without any compensation for giving up the City of Madras. They are getting a compensation and when they are getting it, I do not see any reason why they should be given any more facilities in our institutions. We have our own boys to be admitted in our institutions. What is it that the Andhras are lacking? They have their own medical colleges, engineering colleges, law college and if they want some facilities in some advanced technical institutions like those mentioned in the Ninth Schedule, a time limit within which the facilities should cease to be given, should be fixed by us. If that is left to be decided by the future Governments, lot of misunderstanding will result and no agreement will be reached at that stage.

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“ Then, Sir, some friends have given notice of amendments to enlarge the scope of the provisions of the Ninth Schedule. Even those amendments, we strongly oppose for the simple reason that they have got their own full-fledged institutions. I may in this connection bring to the notice of the house an incident which occurred recently in Tirupathi. Tamil students were denied admission in the Sri Venkateswara College. The Principal had the audacity to tell the Tamils living in Chittoor district that they will not be admitted to the college because they were Tamils. He says that only Andhras can be admitted. There is no reason why we should be generous to friends who are not generous to us. Still Chittoor is a disputed area and who knows Tirupathi may come to the residuary State. (Some hon. Members : ‘ Never.’) We shall see that. That is why I say we should not give any kind of concession to these friends. Tirupathi College has been built from funds which have accumulated through the visits of pilgrims to that place—not only Tamils and Telugus but pilgrims even from Northern India. It is these people who have contributed for the building of this institution. Such being the case Tamils are singled out and are now denied admission. Sir, there is also a training school which is meant for both Tamil and Telugu boys in Chittoor. The Tamil section is now abolished and I have also given notice of a short-notice question to the Minister for Education asking whether there is any proposal with the Government to abolish the Tamil section in this training school. I am still awaiting his reply. This is the mentality which my Andhra friends have developed towards us and still they want more facilities. We oppose even those facilities mentioned in the Ninth Schedule and now they come forward and plead and appeal to our generosity and want us to be very kind to them.

“ That is why, Sir, we say with all respect to all friends and International Communists, like Mr. Ramamurthi who has been pleading for the whole nation, for the future generation—I can understand their sentiments—that we cannot go on giving concessions to the Andhras. We people from the residuary Madras State are now in difficulties. Our children are being denied seats in their medical college, law college and the rest of them. We cannot be admitting Andhra students into our institutions at the same time looking pitifully at Tamilians being denied admissions in their institutions. That is why we strongly oppose this move and the Government of Madras must be very firm on this issue and see that no concession of any kind is extended to them.”

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SRI C. V. K. RAO :—“ Mr. Deputy Speaker, Sir. Mr. Vinayakam has argued like Shylock demanding his pound of flesh from the Andhras. He should remember that the cultural relationship between the Tamils and Andhras must be developed. That can only be done in common institutions like the Educational institutions and others and if he adopts a bellicose attitude . . .”

THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, I never thought Mr. C. V. K. Rao could ever speak so gently and sweetly.”

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SRI K. VINAYAKAM :—" That is because, Sir, he stands to gain by adopting that attitude."

SRI T. VISWANATHAM :—" Sir, that is the view of the average ' generous minded ' Tamilian."

THE HON. SRI C. RAJAGOPALACHARI :—" The average Tamilian mind is always generous and is still hopeful of generosity everywhere."

SRI C. V. K. RAO :—" Sir, after nearly one year of tutelage under the Chief Minister of Madras we should have learnt a modicum of sweet reasonableness."

THE HON. SRI C. RAJAGOPALACHARI :—" Please maintain it."

SRI C. V. K. RAO :—" So, I think my argument may be quite short. My Tamil friends must see that these common institutions are used both by Andhras and the people of the residuary State.

" We do not want any advantages at the cost of the people of the residuary State. There will be greater advantages in that method. Very soon my hon. Friend, Mr. Vinayakam, will lose the bellicose attitude when the residuary State is formed. I plead, Sir, that it should not be looked as if somebody is taking away somebody else's rights; it should not be looked as if somebody is robbing somebody else's advantages. It should be looked as providing equal rights for all in all the institutions. I would also like to stress that when the institutions in the Andhra State spring up, equal rights must be provided in a reciprocal way, both for the Andhras and the Tamil friends.

" There is another advantage. It will not be a loss in the sense that many of the people from the neighbouring State will be coming to the headquarters of Madras and they will also spend money there; that way also, from a financial standpoint it will be useful. From every angle it will be useful to extend facilities for a longer period. Not that all the facilities will be exploited. The concession will be only in cases where they are badly needed for the people—people who would like to come and stay for educational purposes, to undergo treatment in medical institutions. Sir, I think very soon, the Andhra State will provide more institutions and very soon I think the institutions that are being encouraged by the Andhra State in Madras may grow far bigger and bigger and become not only institutions of a particular State, but institutions that are intended for all the neighbouring States, for Tamil friends, the Andhra friends and Malayalee friends, making these institutions common for as long a period as possible. For that very reason Mr. Justice Wanchoo has stipulated a particular period and for the same reasons particular periods were stipulated when Orissa and Sind were separated. It is not as if somebody will exploit some other State or somebody will lose his rights in that State. I hope my hon. Friend, Mr. Vinayakam, will sober down after having listened to me and will not be insistent in the matter. He is already winking at me."

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SRI C. RAJAM RAMASWAMI :—“ Sir, this clause is a very important clause and it very seriously affects the rights and interests of the members of the residuary State. The clause is good enough, but it gives powers to the President to fix the privileges to be enjoyed by the Andhras in the particular institutions. We are all opposed to being too generous. It is always, ‘heads I win, tails you lose’; that is the attitude of the hon. Mr. Viswanatham. Whatever he demands is only for the interests of the Andhra State. Only the residuary State should be generous and not the Andhra State. My own feeling is that opportunity has been taken to enlarge the scope of the institutions in the ninth schedule. If hon. Members would just read the institutions he has referred to, it will produce an amusing reading. For instance, he has even included block of buildings as ‘institutions.’ He refers to the Madras Penitentiary, Old and New High Court Buildings, the Central Record Office, and all sundry items, practically leaving no building untouched in the residuary State. The object of clause 57 is to provide facilities in certain specific establishments. The institutions included in the ninth schedule covers more than enough and it is fair that they should have no more demands and should not make demands on other institutions and enlarge the scope of the schedule by adding even buildings. I do not understand what exactly he wants by adding buildings which are not at all institutions.

“ The hon. Mr. Vinayakam protests against this and I hope every hon. Member of the residuary State will agree with him; generosity should not be wasted and it should be mutual and reciprocal. I am sure, Sir, the Hon. Chief Minister will point out during the course of the debate that what has been provided for is more than enough. I hope our Communist Friends by trying to bolster up this claim will only be betraying us; I hope at least the Tamilnad friends will sail with us and reject the amendment.”

* **SRI P. VENKATASIVIAH :—**“ Mr. Deputy Speaker, after all what the Andhras are asking is not very much. It is not unjust. It is quite just. If we go through the entire Bill, we will find there is one clause which specifies our territory and it is with that territory that we are beginning our State. All the other clauses pertaining to institutions and so many other things are framed in such a form that those institutions had to be gradually evolved and developed. When the Bill itself takes into cognizance that all such institutions have to be evolved, I do not see why our Tamil friends or even others should have any objection. When the Central Government drafted this Bill, they had in mind that the Andhras had to be given time to evolve their own institutions. After all, Mr. Viswanatham was asking for the privilege for only one generation, and 25 years in the life of a State is not very much and it is also difficult to develop in a few years’ time all these institutions that we to-day find in Madras and which are developed by the resources of the composite State and by all the people residing in the composite State. They have taken quite a number of

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years, about five to six generations. During the course of the past 100 years, these institutions developed here and we did not get such an opportunity to develop our own institutions and we do feel and genuinely feel that we were neglected for a very long time. After a large amount of agitation, it is only very recently some institutions have been started in the Andhra area, for example, the Medical College, the Engineering College, the Law College, etc. These were started only very recently and they do not have provision for admitting larger number of students. So, what we want is that our students be accommodated in these institutions for some years to come. Mr. Vinayakam says that these are all Tamil institutions. All of a sudden, on October 1st, these institutions will become Tamil institutions! That is a very wrong conception. It is a misnomer to call these institutions of the residuary State. I should object to it.

"In fact, the Andhra State is going to be formed as a residuary State as per the provisions of this Bill, because we are losing some of our territory, money, institutions, etc. Some go to the Madras State and some go to the Mysore State. Some have already gone to the Orissa State and some are in Telangana. Therefore, what we are getting is only a residuary Andhra State. Our Tamil friends need not really think that we are getting something which is not due to us.

"The hon. Member, Mr. C. R. Ramaswami, was mentioning about buildings. He said that Mr. Viswanatham wanted to include in the Eighth and Ninth Schedules buildings like the High Court. I feel what Mr. Viswanatham had in his mind is that the High Court is not yet separated and that even after the separation of the High Court, probably records, etc., may have to continue to be in Madras for some years. Of course, the point of money also is there. Lakhs and lakhs of rupees have been spent out of the common revenues on these buildings. The hon. Member Mr. Vinayakam says we are getting very fat compensation. We are not getting any compensation. If he thinks that we are getting one crore or two crores of rupees as compensation for these buildings which were constructed during the course of the last 100 years, I think it is rather very unjust. Does Mr. Vinayakam want us just to get out of these buildings with a begging bowl in our hands? I plead: 'You please allow us to stand in good stead. If you do not divest us of the responsibility of developing all these institutions just presently, i.e., during the next four or five years, what would immediately suffer is the production of food. After all for the political, economic and cultural life of any particular people, they have to actually work and earn their living and it is the hub of all other activities of life. And if it is not properly developed, culture and all other things do not develop. So, I plead: Please allow us to produce food for you also as Mr. Viswanatham has said. Certainly all these years we have been supplying you food and there is no doubt about that. Till now no Member has contradicted it. You have not paid us anything. I know that you are not going to be self-sufficient in the matter of food in the near future.'

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MR. DEPUTY SPEAKER :—" The hon. Member need not discuss food here."

SRI T. NAGI REDDI :—" Sir, the Member is not going into the problem of either food or production. The point is, if the Andhras are not allowed the use of these institutions for some years to come, what would happen is that the money would have to be spent for the buildings of these institutions and therefore the Nation as a whole will suffer in the production of an essential article like food and it is very relevant to the subject under discussion."

MR. DEPUTY SPEAKER :—" Let the hon. Member confine his remarks to the clause under discussion and not speak on other points."

SRI P. VENKATASIVIAH :—" Therefore, Sir, let them give us a little time to produce food for them, for us and for all others who need it. We have enough resources for it. Therefore I beg of our Tamil friends in this House, particularly Mr. Vinayakam, not to object to this clause. As Mr. Varadachari has said, if the twenty-five-year period is very long—it is not really a long period, any period not less than ten years might be accepted. I would also request the Government to come forward with some such proposal so that all this discussion about Tamil institutions and Telugu institutions, this kind of wrangling, might cease and we can go to the next subject."

SRI P. THIMMA REDDI :—" Mr. Speaker, there has been a doubt in the minds of the Andhra public for a long time past that their affairs had not been clearly explained to the public at large either by the Government or by the Press through its columns. Our affairs have been allowed to sink and get sunk. This has given rise to certain misconceptions in the minds of the non-Andhra people. For instance, Mr. Vinayakam, had said something about Chittoor and Tirupati which reveals his ignorance of facts. Whenever he gets an opportunity Mr. Vinayakam springs up from his seat to raise his claim for Chittoor. May be his case is a good case! But let him understand the position clearly regarding Tirupati. May I ask Mr. Vinayakam whether he knows what exactly is the position both in Tirupati Venkateswara College and Chittoor Training School? He had made allegations that no Tamilians are to be found in both these institutions? Does Mr. Vinayakam know who is the Principal of Venkateswara College? Does he know whether he is a Tamilian or a Telugu? Let him first understand facts and then begin to abuse. Does he know who is the Chairman of the Board that select students for admission into Tirupati Venkateswara College? Let me reveal the fact. The Chairman is not a Telugu but a full-blown Tamilian by name Thigaraja Mudaliar. When this is the fact, how can we accept the allegation of Mr. Vinayakam, which is nothing short of a baseless allegation? Are hon. Members aware how selection is being made to this college? The Committee sites here, in far-off Madras, they get a list of students who had applied, all sorts of things happen, so many factors are brought into play and the

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students are selected. Can it be said that no single Tamilian had so far been selected? In reality many students are Tamils. Of course this remark of Mr. Vinayakam did not embarrass me. Perhaps in his agitation for Chittoor and Tirupati also incidentally, he might have been overcome by his emotions. But I was rather surprised when even a considerate member like Sri Rajam Ramaswami joined hands with him in echoing the same feelings. When the real state of affairs is quite different, these friends make these allegations. Have we not, I mean, we Andhras, then have our own say in the matter? What is the position in which the Andhras stand now? Is it not a fact that our area is barren, devoid of any expert educational institution? Is it our fault? Have not the Andhras time and again raised their voices in protest against the partisan attitude of the Madras Government in the matter of the setting up of educational institutions? What have the Madras Government done all along? What do we find in this Madras City? It is full of all expert educational institutions. All along you had developed this place saying that this was the only convenient place wherein students rush for seats. Under the plea of 'convenient place' this city had been developed and we had been neglected throughout. When such is the state of affairs *now* and when we are about to separate, is it any wonder, that we ask for our boys and girls, at whose expense these educational institutions had been erected, a guarantee of educational concessions for ten or twenty years? Are we not justified in asking for the same? Can it be justified if our claim is not cared for? Let me say categorically that we, Andhras, do not want to stay a day longer in your institutions after we equip ourselves also to your extent. Give us enough money to build enough institutions to suit our needs. But what is being done now? Some sort of evasive reply is being given. The Government have not placed on the table of the House a statement containing in full the names of *all* educational institutions and other institutions in the whole State. So it is not possible for us to have a comprehensive picture of the whole thing and we are completely in the dark. What is the use of taking some few selected institutions and saying that till such time as may be mutually agreed upon between the two Governments, concessions would be shown to the Andhra students in the matter of admission, research and so on? That is why I say any decision of ours regarding this clause would be an *ex parte* decision. We are not having before us the full picture. When such is the case, what is the meaning in our discussing this clause? This is but an *ex parte* decree that this Government is executing. That is how I can put it.

"A word about other institutions. I know there are several institutions which are hopeless, which are bad and which need thorough re-shuffling. For instance take the office of the Chemical Examiner. (Hon. Sri C. Rajagopalachari was heard to remark: 'If the institutions are bad, then why claim them!') All kinds of spurious drugs come for examination. Interested people come here, and use their influence. This sort of thing should not be allowed to continue.

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"That is why, I say, Sir, let us not insert a provision which is nothing short of an *ex parte* decree. Even learned friends like Tenneti Viswanatham could not make out the exact meaning of this clause. Let the Hon. Minister concerned explain. Let him supply us with a list of *all* institutions. Let him not give us the names of some selected institutions and ask us to approve of the same. After all why are the Ministers there? It is to give us, the representatives of the people, a clear picture of all things. Why should anything be hidden from us? So long as we are backward (and that is due only to the partisan attitude of this Government from the beginning) let the usual concessions that had hitherto existed continue to be given even after separation. We do not want to stay here a day longer, when we are also provided with sufficient funds to build sufficient number of such institutions in our own area. But that means enormous money. That is why I say: 'Let us adjust between ourselves.' Let us request the Centre to immediately appoint an expert committee to go into the question of our educational needs. Let the Centre provide us with sufficient grants to build our own institutions. But till then, for God's sake, do not show a bi-partisan attitude. Do not distinguish between Tamil and Telugu. We have seen the repercussions in one section of people in Tamilnad due to the recently evolved educational policy of the Government. Let not such happenings be allowed to result in respect of Andhras also."

MR. DEPUTY SPEAKER :—"The hon. Member's time is up."

SRI P. THIMMA REDDI :—"Just a word or two, Sir. As I had said previously the wording of the clauses in the Bill is so vague. Learned friends like Sri Viswanatham also are not able to understand the exact meaning of some of the clauses. Ever since this Bill was first moved here and we began discussion on it, I had been enquiring my friends in the Congress Party as to the exact meaning of some of the clauses. Of course they give one answer there. But as soon as they come here into the House, they give an entirely different version. That is why, I say, even so far as this clause is concerned, any decision taken would be an *ex parte* one since we are not supplied with full data regarding the number of institutions in the State. Similar is the case with regard to assets and liabilities division between the two States of Andhra and Madras. How are we to give our opinion when we do not have a clear picture as to the *exact* assets and liabilities of the composite State? That is why I say let the Hon. Minister concerned come and explain the full facts. Otherwise there is no meaning in our discussing those clauses."

MR. DEPUTY SPEAKER :—"I fix a time-limit of five 1 p.m. minutes for each speaker as many hon. Members want to take part in the debate."

SRI T. NAGI REDDI :—"I won't be able to finish within five minutes, Sir."

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* THE HON. SRI C. SUBRAMANIAM :—" I wish to submit, Sir, that there has been enough of debate and this sort of debate that has been going on, one trying to override the other, is quite unnecessary. Apart from that, it is time that we wind up this debate. Sri Nagi Reddi may be asked to speak on behalf of the opposition."

(At this stage Mr. Speaker occupied the Chair.)

SRI T. PRAKASAM :—" Mr. Speaker, Sir, there has been a great excitement over these matters unnecessarily. If it were left to me, I would say 'don't give anything by way of even concession to the Andhras.' I would have been satisfied with that. Unnecessarily passions have been worked up. What is the real position, Sir? Why have I asked your permission to speak a few words, Sir? The Madras residuary State is not an Andhra State, is not a Tamil State, is not a Malayalam State, is not any other State. It is a residuary State of all those people who have been living in this area. Therefore, it is wrong to suppose that any particular section of Tamilians or Andhras or Malayalees have got an exclusive right to this Madras residuary State. It is rightly called 'the residuary State.' It must continue to be a 'residuary State' until its status is finally decided in future, if it is to be decided at all. At one time, Sir, it was claimed to be a Tamil State. On that, this dispute was raised, not before any ordinary individual. There was the Dhar Commission. Before that Dhar Commission evidence was recorded on behalf of the Andhras, Tamils, Gujarathis, Malayalees and others. That Commission came to the conclusion that Madras City does not belong either to the Andhras or to the Tamilians. Whoever might have built it originally, both the Andhras and the Tamilians have come together, have developed the whole area and they must be treated on an equal footing. Therefore, it is a joint State. On that basis, the Commission said that it must be made into a Chief Commissioner's Province as in the case of Bombay. This is the real position, Sir, with regard to this residuary Madras State. When Pandit Jawaharlal Nehru, the Prime Minister, made his speech in Parliament declaring that the Andhra State may be formed excluding the Madras City, we believed that Madras might be treated as a Tamil State. Madras City has not been treated as a Tamil State. (Laughter.) There is no use of simply laughing over any matter. I am talking about facts on record. They cannot be got over by the mere statement made by anyone including Pandit Jawaharlal Nehru. Mr. Nehru did not know exactly what the position was so far as the residuary Madras State was concerned. He has not declared, Sir, until now, that it is a Tamil State, although it was the intention of some of the greatest leaders of Tamil Nad that it should be declared so. We have no faith in certain things. It was in the residuary Madras State that Sri Potti Sriramulu fasted himself unto death. Whether we have got any faith in fasting or not, here is an example of a great man who sacrificed his life for the sake of a principle. He was in Madras and he owned a house in Madras. He was a great disciple of Mahatma Gandhi. He believed in his doctrines. He thought that

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the Andhra leaders were quarrelling among themselves with regard to the Madras City. So he came forward saying that so far as Madras City was concerned although it was originally an Andhra City, they were not claiming it as their own exclusive area. He based his claim on the report of the Dhar Commission. On the basis of that report he said that it should be declared as a joint State. Sir, we have been arguing here, forgetting our own position. Now, I ask where is the question of generosity so far as these institutions are concerned? There is no question of generosity. It is a question of our right. Instead of saying, 'We are going to sit tight in all these places because all these institutions have been built by us with our money and we refuse to go', following the advice of Mahatma Gandhi and other great non-violent leaders, we say 'Alright, Sir, we are going out to some distant place, Kurnool, which we have chosen as our Capital.' Where is the need for us to say like that until the Boundary Commission comes? When the Boundary Commission comes, everything will be settled. We will know where Tirupati is, where Chittoor is, and so on. I am going to let in evidence before the Boundary Commission along with Sri K. Vinayakam who is on the other side. He will find out the real position only then and not until then. As regards the right to these institutions, our right is there. Our enjoyment has been there. Our possession has been there until now. It has not been disturbed by anybody. Merely because we say 'We have chosen our Capital on our own account. We are going there. Give us some facilities for our children here', is this the way in which the matter should be dealt with?

"History is there and the facts are there. We are all alive to-day and the whole principle will be known soon. There is no question of generosity or mercy that has to be shown by Sri Rajagopalachariar or anybody else. It is a question of right. When we asked for some concessions as it were in these amendments, everybody got up and opposed. Mr. Vinayakam with his big voice can say anything. Mr. Siddanna Gowd pointed out what I have been attempting to point out. How the whole of the residuary Madras State has come into being, what compensation we should be given or would be given—these and similar questions will come up in due course. It is only a question of time. This is only a preliminary point in drawing a boundary line. It need not have taken so much time for Pandit Jawaharlal Nehru to carve out this Andhra State.

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"Mr. Vinayakam says so much about Chittoor, Tiruttani, Tirupati and so on. The Partition Committee went into this matter. I request Mr. Vinayakam to look into the Partition Committee records and find out whether any one representing the Tamilians on that Committee stated anything about Chittoor. Chittoor was put into the list of undisputed districts and the whole enquiry was on that basis. Not a word was said by Mr. Vinayakam or any one else to the effect that Chittoor or part of Chittoor belongs to non-Andhras.

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" I submit that there is no cause for any excitement or bitterness in the matter. As I said in the beginning, we have no quarrel with the Tamil friends. How can we have any quarrel? Over concessions so much time has been taken. The word 'concession' was used. Give some facilities to us—that was the request. Suppose we were not partitioning. Would the Tamilians have refused these concessions to Andhras or any other people? No, they would not have refused. To-day 40 lakhs of Andhras are in out and out Tamil areas, and they have to continue there. (Interruption by the Hon. Sri C. Rajagopalachariar.) 'Willingly' says Rajagopalachariar. The relationship is there and that is why I say that Tamilians and Andhras cannot be characterised as different classes of people. The way in which the matter is represented and approached is highly questionable so far as we are concerned. We have lived together, worked together and done all that was necessary to get freedom for our country and we have succeeded in every respect.

" I am hoping that the day will not be far off when a boundary commission will come and several matters including the exact constitutional position of the residuary Madras State will come up for enquiry and settlement. The status of Madras itself will be settled. Until then, let there be no guess work, let there be no procrastination in these matters.

" I am sorry I was obliged to intervene in the debate having regard to the talk that had been going on for such a long time. Mr. Nagi Reddi is getting angry and I do not want to stand in the way of his speaking."

* SRI T. NAGI REDDI:—" Mr. Speaker, Sir, I am also anxious to keep the debate on a level which will not rouse passions. At the same time we should go into facts as they are. It is true that Andhra State will have certain already existing institutions and also in due course build up its own institutions. But the whole question is whether the State has enough institutions to carry on immediately or whether, due to various factors of history, it is necessary for the Andhra State to continue to enjoy the use of certain institutions in the residuary Madras State. People might go under the impression that the Andhra State has every kind of institution that a State requires. For example, the Government have not included the Engineering College in the Schedule. It might be said that there is an Engineering College in Anantapur and that therefore there is no need for the Andhras to continue the use of the Engineering College in Madras."

THE HON. SRI C. SUBRAMANIAM:—" There are two Engineering Colleges in Andhra."

* SRI T. NAGI REDDI:—" I would like my Tamilian friends to note that the Engineering College in Anantapur is only a college in name. It is located in the dilapidated buildings of a former meat factory. There is no elbow room and there is no place even for conducting examinations. So the students

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of Anantapur Engineering College come to Madras for their examinations. We should go deep into these facts, see whether there is any necessity for the Andhras to enjoy some facilities in the institutions of the residuary State for some years to come, and decide the question in the most friendly manner possible.

“ We must remember, Sir, that for various reasons Madras has been our capital for something like 100 years. Because Madras has been our capital, and Madras happened to be centrally situated for the whole of the Madras Province, all institutions essential for the whole State developed only in Madras City. This fact has to be taken into consideration. The money of the undivided State has been spent on these institutions. I would not like to say anything for melo-dramatic effects as it is always the case with Sri Vinayakam. I have already told Vinayakam that applause can be got on sentimental grounds for a temporary period. Let me warn him that some day this will work like a boomerang against people like him who are unjust, unreasonable, and who go against the interests of the people. This boomerang will certainly work against Mr. Vinayakam's own interests in the long run. That is why looking into things carefully and without passion, we of the Communist party come forward and say, because of historical factors, it is necessary that the Andhra State, which is now being separated from Madras State, should be given certain facilities for a certain number of years. Every reasonable man has accepted it. Mr. Vinayakam came forward and said all that he had to say. I would not have referred to him but for the fact that Mr. Rajam Ramaswami said that Mr. Vinayakam had put the case of the Tamilians excellently and most reasonably. This is the reason why I have taken so much time to speak on this. It is stated that it is impossible to give facilities in these institutions, and that whatever facilities are sought to be given as per the Schedule, are themselves too much. Every reasonable man including the Partition Committee of 1950 has said that certain rights should be given. It is not, Sir, any generosity. It is the rights of men who have lived in Madras City as citizens. It is the rights of men who have been responsible for all progress here. It is the rights of men who have developed these institutions here. The institutions have been developed by friends in Tamil Nad and friends in Andhra. It is our right and duty, and it is also the right and duty of the Tamilians to provide us with the facilities existing in Madras. That is the reason why the Partition Committee in 1950 stated that for 25 years facilities should be given to the Andhras. What is the change that has taken place after 1950? Has any revolution taken place? Have more institutions been built in Andhra? Has the number of colleges increased? Has the number of seats become more in the colleges now? If we can say that we have now greater facilities . . . (Interruption by the Hon. Sri C. Subramaniam.) The question of compensation is entirely a different matter. I would not like to go into the question of compensation now. If we are to go into the question of compensation, we will have to take up buildings after buildings, roads after roads, wells after wells, etc. If the question is to be posed in that way, then

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I am sure the atmosphere will become vicious and poisonous, and we will not be able to go to the truth of the matter. I am not asking account for every pie that has been spent on the educational institutions. I am not asking that every one of the items should be given back to us. I am only asking that till such time as we can develop our own institutions—till such time as our own institutions become reasonably good for us to continue there and not come and fall upon you here—please allow us to be here as a matter of right and not generosity. It is not a question of generosity; we are not begging with a begging bowl in hand. If they are to say that we have no right, then I would say, 'let us put this proposition before a third party and tell him the facts.' We have been told that we are a joint family. If it is a joint family, let us divide on the basis of joint family and let us have the rights and facilities which a divided Hindu family will get. If this is not the way in which we are to look at things, I am sure that this attitude will not help us in our future good relations. It is asked, 'why should we give our seats to Andhras and say to Tamilians they have no seats.' The fact of the matter is that neither the Andhras nor the Tamilians have been provided with enough seats in the colleges. Is it not a fact that out of 1,600 applicants to the Anantapur College, only 700 or 600 were taken in? This is a difficulty not only in Andhra or Madras, but all over the country. As legislators it is our duty, and it is also the duty of the Government to try and mitigate this difficulty. The Government must try to increase the facilities all round. The dearth of colleges in a particular State, should not be the reason why people, who have had certain rights all these years, and who have yet to develop their own institutions, should be denied certain rights which they had been enjoying in that State. I would like Mr. Vinayakam also to try and develop this line of thought. There must be mutual consent. Let us co-operate with each other, and develop our institutions in the best manner possible. Then he said 'I love my country.' I would request him not to hate the other country. Mr. Vinayakam said it in strong language and with great vehemence. I too love my country. But that does not mean that I hate the other country. The manner in which and the vehemence with which Mr. Vinayakam spoke is a very clear indication to raise passions and to hate all other people. This is not in my grain. This is not in my blood. I am sure he is not going to make any impression with all his vehemence. My love for the Tamilians, my respect for them will continue, and my future relations with them will certainly be good. I have lived in Madras for quite a number of years. From the IV class up to the Intermediate class I had been here. Probably I have more Tamilian friends than Andhras. I can tell him that whatever may be his relationship with Andhras, my relationship with the people here will certainly be friendly. Mere passions will not rouse the common man of Tamil Nad. Passions cannot be raised unnecessarily by such utterances. Such things do not also help.

" Sir, we have asked for the separation of the State as our natural right. It is our national right. The freedom movement has

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taught us that it is our right. We have asked for it, and we have got it. I may inform Mr. Vinayakam that he also will get his Tamil State when the Kanarese part of the residuary State is removed, and Malabar tacked on to Travancore-Cochin. I certainly wish that Tamil Nad should function in a friendly spirit with her neighbours. Why should Mr. Vinayakam say 'we Tamilians have certain rights.' The Madras State will have to give certain rights to Malayalis and Kannada people. This kind of haranguing would not do. Let people think in a reasonable manner. I would request Government to look into these things very carefully. We have been in Madras for quite a long time, especially the people of Rayalaseema. Except for the single college in Anantapur, no college has been developed in Rayalaseema. These are all facts. Therefore, I would request Government to consider the amendment of Mr. K. Varadachari and agree to his amendment. We may send a unanimous resolution to the Government of India so that the two States may function smoothly."

VI.—HALF-HOUR DEBATE *RE* FLOODS IN MALABAR. ^a

MR. SPEAKER :—“ I have allotted five minutes to each of the hon. Members who want to participate in this debate. Sri Narayana Kurup will initiate the debate.” 1-30 p.m.

* SRI M. NARAYANA KURUP :—“ Mr. Speaker, Sir, the recent floods in Malabar, for reasons of their own, have not attracted much attention either of this House or of people outside. Of course, we are under a very great handicap because there are no English dailies to champion our cause and our voice in the Cabinet is very feeble. Though the situation cannot be compared with that of Tanjore some time ago, I feel that the present situation in Malabar is a very serious one. In the first week of July there were unprecedented rains, accompanied by violent storm, in Malabar. In six days, 26 inches of rain were recorded of which 10 inches fell in between 24 hours of 6th July and 7th July. The average rainfall during this period in the previous year was only 9 inches. The worst affected area was the northern region which was very much on a par with sea level. Sir, miles and miles were flooded. In and around one place, Payoli, 20 square miles of land were submerged under 15 to 20 feet of water. People had to resort to boats to go from one place to another. There was heavy loss of cattle and in some places, it is reported, the mouths of the rivers were blocked by dead bodies. A number of houses and hutments collapsed. Even a number of school buildings fell down. The only redeeming feature was that except in two or three places there was not much loss of human lives. The severity of the rain can be imagined from the fact that an elephant died benumbed with cold. There was absolutely no communication from place to place. Schools and colleges were closed to make room for refugees, and I have seen two or three camps where more than a thousand people were living as destitutes. The Hon. the Land Revenue Minister has given some data. Of course, he himself confesses

^a Vide question No. 777-A answered on 21st July 1953.